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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

BORN OF THE TROUBLES: LESSONS IN TRUST AND LEGITIMACY FROM THE POLICE SERVICE OF NORTHERN IRELAND

by

John Charles Murray

December 2017

Thesis Co-Advisors: John Rollins
Rodrigo Nieto-Gomez

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BORN OF THE TROUBLES: LESSONS IN TRUST AND LEGITIMACY FROM THE POLICE SERVICE OF NORTHERN IRELAND

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(HOMELAND SECURITY AND DEFENSE)**

from the

**NAVAL POSTGRADUATE SCHOOL
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ABSTRACT

Trust and the establishment of legitimacy are essential to building strong relationships between law enforcement and the communities they serve. Distrust of the police can lead to a lack of community involvement and, in some cases, a perception of the police as an occupying force. American policing has faced recent challenges regarding trust, legitimacy, and accountability resulting in calls for police reform. This thesis answers the question of whether the police reforms outlined in the *Report of the Independent Commission on Policing for Northern Ireland*, or the *Patten Report*—for the purposes of establishing trust and legitimacy and implemented in Northern Ireland—are applicable as a possible model for American policing. This thesis provides a qualitative analysis of the *Patten Report* and its reforms as well as the Police Service of Northern Ireland's implementation of recommendations. An appreciative inquiry approach was used to examine application to American policing and comparison to *The Final Report of the President's Task Force on 21st Century Policing.* The conclusion is that the *Patten Report* provides a model for policy makers in the United States. Application of lessons learned from Northern Ireland and the *Patten Report* will enhance American policing's ability to build trust, legitimacy, and strengthen this nation's homeland security.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
CHDS	Center for Homeland Defense and Security
COPS	Community Oriented Policing Services
CPR	cardiopulmonary resuscitation
CRM	Civil Rights Movement (Northern Ireland)
CSUMB	California State University, Monterey Bay
DOJ	Department of Defense
DPPB	District Policing Partnership Board
IACP	International Association of Chiefs of Police
ICP	Independent Commission on Policing (Northern Ireland)
IRA	Irish Republican Army
MRAP	mine resistant ambush protected
NAACP	National Association for the Advancement of Colored People
NYCLU	New York Civil Liberties Union
PCAC	Police Community Advisory Committee
PERF	Police Executive Research Forum
PIRA	Provisional Irish Republican Army
PSNI	Police Service of Northern Ireland
RIC	Royal Irish Constabulary
RUC	Royal Ulster Constabulary
UDA	Ulster Defense Association
UDR	Ulster Defense Regiment
UVF	Ulster Volunteer Force

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EXECUTIVE SUMMARY

Trust and the establishment of legitimacy are essential to building strong relationships between law enforcement and the communities they serve. Distrust of the police can lead to a lack of community involvement, an unwillingness to assist law enforcement with investigations, and in some cases, a perception of the police not as partners in the community, but as an occupying force.[1] Suspicion of the police and questionable police conduct resulting in distrust can lead to outright resistance to community-wide policing efforts and call into question the integrity of this nation's criminal justice system.

American policing has faced challenges in recent years regarding trust, legitimacy, and accountability. The police derive their authority from the people, so when the police are viewed as untrustworthy, the public's view of police legitimacy is called into question. In light of the challenges facing American law enforcement, there are continuing calls for an examination of the American criminal justice system and questions of police reform. After a series of incidents that garnered national attention, in 2014, President Obama called for a task force to examine American policing. *The Final Report of the President's Task Force on 21st Century Policing*, hereafter referred to as the *President's Task Force Report*, called for changes in American law enforcement, and police agencies around the country are facing greater scrutiny.

Does a need actually exist for American police reform, and if so, does a model exist from which it is possible to learn from outside the United States? The objective of this thesis is to determine whether reforms implemented in Northern Ireland following the 1998 Good Friday Peace Agreement are an applicable model for American police reform. Although significant political, cultural, and social differences exist between Northern Ireland and the United States, a model of successful police reform exists in *The*

[1] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: Department of Justice, 2015), 11, https://www.hsdl.org/?abstract&did=766796.

Report of the Independent Commission on Policing for Northern Ireland, or as it is known colloquially, the *Patten Report*.

The *Patten Report* provides lessons that can be applied to American police reform and to conventional law enforcement agencies in the United States, such as the author's own mid-sized agency, the Salinas Police Department. The Salinas Police Department faces many of the same challenges confronting policing nationally. Like many American police agencies, the Salinas Police Department is seeking ways to promote transparency, build trust, and collaborate with the community it serves.

A. METHODOLOGY

The *Patten Report* and its impact on police legitimacy in Northern Ireland were examined using existing literature and case studies of the Police Service of Northern Ireland's (PSNI) implementation of recommendations. This thesis offers a qualitative analysis of the PSNI's effort to build trust and legitimacy in disaffected Catholic and Protestant communities. A case study of the dynamics involved and the process of implementation was the product of a descriptive approach to the research, including

- analysis of the *Patten Report's* recommendations,
- analysis of *President's Task Force Report*, and
- analysis of areas of commonality and divergence.

Application to American policing was explored using an appreciative inquiry approach. PSNI implementation was also evaluated for potential application to American policing.

B. LITERATURE

To structure the research effectively, it was necessary to understand the circumstances surrounding calls for American police reform and the history of police reform in Northern Ireland. A review of the existing literature on the topics provided an understanding of the social, political, and historic context in the United States and Northern Ireland. The literature revealed that although calls for police reform in both countries formed under unique circumstances, common elements to both are related to a

loss of confidence in the police among disaffected communities and efforts to establish police legitimacy.

The period known as "the Troubles," a 30-year armed conflict with deep roots in Irish history, was a key historical factor in the loss of confidence and trust in the police in Northern Ireland. It was important to recognize the history influencing the origins of the Troubles; however, this research focused on the loss of trust in the police and the historical influence of the Troubles on policing. The review examined some of the most relevant literature on police reform in Northern Ireland, the PSNI, its efforts to establish legitimacy in disaffected communities, and its relevance to U.S. law enforcement. Additional research examined sociological and general policing issues and their relevance to U.S. law enforcement.

C. AMERICAN POLICING ISSUES

The national discourse surrounding law enforcement in recent years has placed American policing under greater scrutiny. A combination of factors ranging from aggressive proactive policing efforts, to mainstream and social media focus on questionable police shootings, and to government officials' condemnation of police, may have resulted in questions of American police legitimacy. The author's organization, the Salinas Police Department, is no exception and has faced similar challenges both internally and externally.

Activism, politicization, media sensationalism, increased use of social media, and genuine incidents of police misconduct may all be contributing factors to the public's perception of the current state of American policing. The evidence shows a perception among the American public that change and progress in American law enforcement is necessary. This thesis proposes change is needed that emphasizes legitimacy and procedural justice with a focus on accountability and a shared responsibility with the public. A model for this type of police reform exists in Northern Ireland with the *Patten Report*.

D. *PATTEN REPORT*

The *Patten Report* consists of two specific pillars of Northern Ireland police reform. The first pillar concerns traditional police reforms addressing organizational systems and management structures. These reforms are in line with established police reform practices: improving accountability, recruitment, training, management structures, procedural and policy changes, and organizational/cultural changes. The second pillar of reform addresses the more abstract reforms in terms of policing philosophy. The *Patten Report* proposes reforms in policing philosophy focused on policing as not just the responsibility of law enforcement but also the entire community, a community-police partnership and shared responsibility. Within this framework, the *Patten Report* proposes reforms addressing accountability and transparency, civilian oversight, police training and human rights, recruitment, and the influence of cultural symbolism.

E. CONCLUSION

Police reforms in Northern Ireland are widely viewed as an example of thoughtful, comprehensive, and sustainable democratic police reform. Although substantial differences exist between the United States and Northern Ireland, significant commonality also exists in the application of policing and police reform. Both the *President's Task Force Report* and the *Patten Report* call for a shift from policing the community to policing *with* the community. The reports share a common philosophical thread as their foundation, an equal partnership between the community being served and law enforcement organizations performing a service based on trust and legitimacy. The *Patten Report*, in conjunction with ongoing American policing initiatives such as the *President's Task Force Report*, can provide a framework for American police reform. This thesis provides recommendations for the Salinas Police Department and broader American law enforcement based on this case study.

The *Patten Report* provides a model for policy makers in the United States and in conventional American towns like Salinas, California. Application of lessons learned from Northern Ireland and the *Patten Report* will enhance American policing's ability to

build trust and deliver quality policing services in partnership with the community, and strengthen this nation's homeland security.

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ACKNOWLEDGMENTS

Everything in my experience exists within one of two frames, Ireland and *after* Ireland. As a child growing up in Northern Ireland, I saw the police as outsiders, but as a police officer in Salinas, California, I had become an outsider to the very community I serve and call home. This thesis was born of these two experiences, especially when I realized that by looking to the past, I might find a model for the future.

I need to begin by thanking the people of the Salinas Police Department and the City of Salinas. Chief Kelly McMillin, thank you for encouraging me to pursue this opportunity and for all your support throughout the years. My gratitude also goes to Chief Adele Fresé for recognizing the value in ongoing education and for understanding my absence during a time of important change at our organization. Councilmember Kimbley Craig, thank you for talking me down from the ledge and pointing the way. I am especially grateful to my friend, Deputy Chief Dave Shaw. Your leadership and support throughout this program, and throughout my career, have been invaluable; you have helped me avoid many collisions.

I cannot begin to express how grateful I am to the faculty and staff at the Naval Postgraduate School and the Center for Homeland Defense and Security. Thank you for the encouragement, support, and opportunity. A special thank you goes to Professor Rodrigo Nieto-Gómez, who went above and beyond in supporting me in this endeavor. Thank you, John Rollins, for encouraging me to pursue this research, guiding me through the thesis, having enough faith in me to let me struggle, and for ignoring my neurotic phone calls; you were wise to do so. Thank you, Professor Wollman, for your counsel, and Greta Marlatt, for leading me through the research; you helped me more than you know.

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without the love and personal sacrifice of my wife and our son, Seán. Kris, I would be lost without you.

Finally, I want to thank my father, Peter Murray. I wish you could have been here to read this thesis and see me graduate. You always cautioned, “Pride is followed by the fall”; I can hear you saying it now. Well, perhaps you would have allowed me this one indulgence: I am proud of this thesis, Pops, and I wrote it for you. Thank you for bringing me to America.

I. INTRODUCTION

The author's earliest memory of the police was formed when he was a Catholic child growing up in Northern Ireland during the Troubles. His father and older brother would point to the police, the Royal Ulster Constabulary, and say, "*Those* people are not your friends." His family later immigrated to the United States and 15 years later, he became an American police officer.

A. THESIS QUESTION

Are the police reforms outlined in *The Report of the Independent Commission on Policing for Northern Ireland*, commonly known as the *Patten Report*, for the purposes of establishing trust and legitimacy and implemented in Northern Ireland, applicable as a possible model for American policing?

B. PROBLEM SPACE

Trust and the establishment of legitimacy are essential to building strong relationships between law enforcement and the communities they serve. Distrust of the police can lead to a lack of community involvement, an unwillingness to assist law enforcement with investigations, and in some cases, a perception of the police not as partners in the community, but as an occupying force.[1] Suspicion of the police and questionable police conduct resulting in distrust can lead to outright resistance to community-wide policing efforts and call into question the integrity of this nation's criminal justice system.

In the past 20 years, American law enforcement and efforts to establish legitimacy in disaffected and polarized communities have faced many challenges. While many members of a community have a good relationship with local law enforcement entities, some community members view the police as illegitimate and acting outside the scope of their authority. These members of the community often feel that the mistrust of police has

[1] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: Department of Justice, 2015), 11, https://www.hsdl.org/?abstract&did=766796.

led to civil unrest, increased crime, and violence directed at police.[2] After a series of incidents that garnered national attention, in 2014, President Obama called for a task force to examine American policing. The task force released its findings in May 2015 in *The Final Report of the President's Task Force on 21st Century Policing* (hereafter referred to as the *President's Task Force Report*).[3] The *President's Task Force Report* has called for reforms in American law enforcement, and police agencies around the country are facing greater scrutiny. The Trump Administration's Attorney General, Jeff Sessions, has called for a new examination of policing, which will likely bring about additional changes.[4]

In light of ongoing reform efforts and questioning whether a new way to approach policing is needed, some suggest it may be helpful to question whether police reform in the United States is actually needed, and if so, does a model exist from which it is possible to learn from outside the country? Specifically, can lessons be learned from the Police Service of Northern Ireland (PSNI) and its efforts to build trust and establish legitimacy in disaffected communities following the 1998 peace agreement and its subsequent implementation of significant police reforms? Substantial police reforms were implemented in Northern Ireland beginning in 1999, following the *Patten Report*.[5]

It is essential police continue efforts to establish legitimacy in disaffected and polarized communities to build trust and support for law enforcement efforts. What is certain is that homeland security begins in American hometowns and law enforcement's ability to deliver quality-policing services in partnership with the community is crucial to this nation's wellbeing. Although unique social, governmental, and cultural differences exist between Northern Ireland and the United States, perhaps lessons can be learned

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[2] Ronald Weitzer and Steven A. Tuch, *Race and Policing in America: Conflict and Reform* (Cambridge: Cambridge University Press, 2006), 5–7, https://search.proquest.com.libproxy.nps.edu/docview/36640613?accountid=12702.

[3] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing.*

[4] Laura Jarrett, "Sessions Orders DOJ Review of Police Reforms," CNN, April 4, 2017, http://www.cnn.com/2017/04/03/politics/sessions-police-reform-review/index.html.

[5] Christopher Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland* (Belfast: Independent Commission on Policing for Northern Ireland, 2013), http://search.proquest.com.libproxy.nps.edu/docview/38813157/E39971468395444FPQ/7.

from reforms implemented by the PSNI that can be applied to American police reform. This thesis examines reforms implemented by the PSNI and their application to the author's local police agency, the Salinas Police Department, American policing, and U.S. homeland security.

C. INDEPENDENT COMMISSION ON POLICING (NORTHERN IRELAND)

Police reform is a challenging endeavor, which must take place within a nation's social, cultural, and political context. In 2014, following the Michael Brown shooting and the Ferguson, Missouri riots, President Barack Obama stated, "the situation in Ferguson speaks to broader challenges that we still face as a nation. The fact is, in too many parts of this country, a deep distrust exists between law enforcement and communities of color."[6] President Obama called for an evaluation of American law enforcement practices following the events in Ferguson and the *President's Task Force*, released its findings in May 2015 calling for reform.[7] The mere calling of the task force suggests to the public that a problem does exist with the actions of the police and change is needed. The 2016 Presidential election and subsequent shift from the Obama Democrat administration to the Trump Republican administration has resulted in an additional call for criminal justice reform in the form of the National Criminal Justice Commission Act of 2017.[8] On March 8, 2017, a bipartisan group of senators introduced the bill to create a National Criminal Justice Commission, which would spend 18 months reviewing aspects of the criminal justice system including policing.[9] Senator Gary Peters (D-Mich.), one of the Senators introducing the bill, said, "Too many Americans see growing challenges in our

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[6] Heather Mac Donald, *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe*, 1st ed. (New York: Encounter Books, 2016), 8.

[7] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*.

[8] Beth Reinhard, "Senators Seek Review of Criminal Justice System; Bipartisan Bill Would Create Group of Experts on Law Enforcement, Victims' Rights and Civil Liberties," *Wall Street Journal (Online); New York*, March 8, 2017, sec. Politics.

[9] Tom Jackman, "Senators Seek to Reform Justice System Nationwide by Launching National Criminal Justice Commission," *Washington Post*, March 8, 2017, https://www.washingtonpost.com/news/true-crime/wp/2017/03/08/senators-seek-to-reform-justice-system-nationwide-by-launching-national-criminal-justice-commission/.

justice system ranging from overburdened courts and unsustainable incarceration costs to strained relationships between law enforcement and the communities they serve."[10]

Effective policing and the public's trust in the police is an essential element of a free and democratic society. Police reform must be culturally, socially, and politically acceptable, but must also be courageous in the face of challenges in each of these categories and must have an underlying respect for human rights. Such a model exists in Northern Ireland with *The Independent Commission on Policing for Northern Ireland* and the *Patten Report*.[11]

The Patten Commission was established as a key element of the Northern Ireland Good Friday/Belfast Peace Agreement in 1998.[12] The Good Friday Peace Agreement followed 30 years of violent conflict in Northern Ireland known as the Troubles.[13] The Independent Commission on Policing (ICP) was established in recognition of the fact that policing was a factor in the conflict, "being both part of the problem and part of the solution."[14] The Commission acted on the mandate provided by the Peace Agreement and sought to inquire "into policing in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements."[15] The *Patten Report* recognized that peace and police reform go hand in hand, and both should come at the hands of the people, "Implementation of the Agreement would give the politics of

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[10] Jackman, "Senators Seek to Reform Justice System Nationwide by Launching National Criminal Justice Commission."

[11] Graham Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," Police Reform, Political Transition, and Conflict Resolution in Northern Ireland," *Police Quarterly* 10, no. 3 (September 1, 2007): 243–69, doi: 10.1177/1098611107304735.

[12] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 1.

[13] "The Northern Ireland Conflict 1968–1998—An Overview," Irish Story, accessed May 22, 2017, http://www.theirishstory.com/2015/02/09/the-northern-ireland-conflict-1968-1998-an-overview/#.WSMDOBPyu1s.

[14] Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 244.

[15] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 123.

Northern Ireland to the people of Northern Ireland; and in the same way it should also give the policing of Northern Ireland to the people of Northern Ireland."[16]

Although police reforms in Northern Ireland and the United States were born of circumstances unique to their independent nations, the *Patten Report* and resulting reforms do have application to policing in general including outside Northern Ireland. Police reform in Northern Ireland is viewed as one of the most thoughtful and comprehensive examples of democratic police reform with a lasting influence.[17] Additionally, the *Patten Report* is acknowledged as a model for policing in the democratic world.[18] Having the added benefit of almost 20 years of hindsight, the *Patten Report* and its recommendations have value in application to American police reform efforts.

This thesis examines the *Patten Report's* recommendations following the 1998 Good Friday Peace Agreement in Northern Ireland and implementation efforts by the PSNI to establish legitimacy in communities that lacked trust in the police during the Troubles. The *Patten Report* addresses policing issues in Northern Ireland related to recruitment, training, organizational culture, symbolism, practices, oversight and accountability, and human rights.[19] The commission made 175 recommendations for change with a focus toward building trust and legitimacy within the community.[20]

It has been 18 years since the *Patten Report* was released and its work with the Royal Ulster Constabulary/PSNI is widely seen as an example of successful sustainable police reform.[21] The author's hypothesis is the police reforms in Northern Ireland have application to American policing.

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[16] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 1.

[17] David H. Bayley, "Police Reform as Foreign Policy," *Australian and New Zealand Journal of Criminology* 38, no. 2 (August 2005): 206–15, doi: http://dx.doi.org/10.1375/acri.38.2.206.

[18] Michael Kempa and Clifford D. Shearing, "Post-Patten Reflections on Patten" (lecture, Public Lecture Belfast, Queen's University of Belfast, June 8, 2005).

[19] Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 245.

[20] Ibid., 243–269.

[21] Ibid., 244.

D. RESEARCH QUESTION

This thesis endeavors to answer the following question: Are the police reforms outlined in the *Patten Report* for the purposes of establishing trust and legitimacy and implemented in Northern Ireland applicable as a possible model for American policing?

To answer this question, it also seeks to answer the following secondary questions:

- What recommendations did the Patten Commission present in its report?
- Should the reforms implemented by the PSNI be considered by American law enforcement to build trust and establish legitimacy in American communities?
- Are the reforms and methods used by PSNI following the 1998 peace agreement and outlined in the *Patten Report* a model relevant to law enforcement in the United States?

E. LITERATURE REVIEW

This review examines some of the most relevant literature on police reform in Northern Ireland, the PSNI, its efforts to establish legitimacy in disaffected communities, and its relevance to U.S. law enforcement. The literature is separated into three sections. The first section addresses the history of the Troubles in Northern Ireland, as well as the role and influence of the police. The second examines the efforts of PSNI to establish trust and legitimacy. The third section examines sociological and general policing issues and their relevance to U.S. law enforcement.

1. The Troubles

The conflict known as the Troubles has been documented extensively. In examining the literature concerning the origins of the conflict known as "the Troubles," most historians agree that its cultural and ideological root stretches as far back as the

1600s.[22] This thesis is focused specifically on the modern conflict; however, it is important to recognize the deep history influencing the origins of the Troubles.

In the modern era, the events of the early 20th century, specifically, the War of Irish Independence, and the subsequent partition of Ireland, contributed both geographically and socially to polarization. Scholars have reached a broad consensus that lingering republican sentiments among Catholics, and Protestant unionist control of the Catholic minority in Ulster, created fertile ground for future unrest.[23] These long held grievances and tensions later erupted during the volatile 1960s.

It is widely acknowledged that the Troubles began in and around the events of 1968–69 with the emergence of the Irish Civil Rights Movement. Simon Prince and Geoffrey Warner, assert that the events culminating in civil disobedience and unrest in 1969 in the Irish cities of Belfast and Derry marked the beginning of the Troubles.[24] More important to the author's study, historians believe it was during this modern period and during the events of the Irish civil rights movement of the late 1960s that perceptions of the Royal Ulster Constabulary (RUC) shifted. As a result of violence perpetrated by the RUC, scholars agree the RUC became viewed as a violent and partisan police leaving disaffected communities more willing to oppose the authorities and their agents.[25] Graham Ellison and Jim Smyth, experts in the organizational history of the RUC, agree with Prince and Warner's assessment of the impact of these events on the public perception of the police. Ellison and Smyth conclude, "it can be convincingly argued that the RUC, in its handling of the Civil Rights Movement (CRM) in Northern Ireland, prepared the way for the re-emergence of militant nationalism."[26] The perceived lack of

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[22] Marianne Elliott, *The Catholics of Ulster* (New York: Basic Books, 2002).

[23] Richard Killeen, *A Short History of Modern Ireland* (London: Robinson, 2012), 254.

[24] Simon Prince and Geoffrey Warner, *Belfast and Derry in Revolt: A New History of the Start of the Troubles* (Kildare: Irish Academic Press, 2012), 88.

[25] Ibid., 95.

[26] Graham Ellison and Jim Smyth, *The Crowned Harp: Policing Northern Ireland*, Contemporary Irish Studies (London: Pluto Press, 2000), 54.

legitimacy in the RUC response to the Civil Rights Movement had lasting implications on public trust.

2. Royal Ulster Constabulary

A broad consensus exists among scholars that the legitimacy of the RUC was diminished during the Troubles by perceptions that it was a violent enforcer of the state and no longer accepted as an impartial police force.[27] Jim Smyth agrees with Prince and Warner in his assessment of the Catholic view of RUC legitimacy, "The role of consolidating and maintaining unionist control fell to the Royal Ulster Constabulary."[28] Ellison stresses that Catholics saw the RUC as "symbols of oppression," and unionist/Protestants saw them as "custodians of nationhood."[29] The RUC was not just a witness to the history of the Troubles but also a catalyst in the conflict contributing to polarization.

Historical source material proved valuable in establishing that the RUC and its organizational ethos were impacted by the high cost of casualties during the Troubles. During the height of the conflict, the RUC was the most dangerous police force in the world to serve in with 302 officers killed between 1969 and 1998.[30] This number not only influenced the RUC culture but how it viewed and interacted with the public it served. Research analyzing this impact was valuable in establishing influences on the actions of the RUC and the historical context of why police reform was such a crucial element of the 1998 peace agreement.

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[27] Prince and Warner, *Belfast and Derry in Revolt: A New History of the Start of the Troubles*, 197.

[28] Jim Smyth, "Symbolic Power and Police Legitimacy: The Royal Ulster Constabulary," *Crime, Law and Social Change* 38, no. 3 (October 2002): 295.

[29] Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 246.

[30] Aogan Mulcahy, "Policing History: The Official Discourse and Organizational Memory of the Royal Ulster Constabulary," *British Journal of Criminology* 40, no. 1 (2000): 68–87.

3. Police Service of Northern Ireland

The Troubles formally ended in 1998 with the Good Friday Peace Agreement and calls for change in the governing of Northern Ireland.[31] A key element of the agreement was the need for police reform and the establishment of the ICP.[32]

In September 1999, the ICP published its findings in the *Patten Report*.[33] The *Patten Report* is a British government source that provides a baseline view of where policing was during the Troubles and how it needed to improve. The literature related to the reforms speaks to the troubled history of policing in Northern Ireland, perceptions of corruption, and recommendations to reform the RUC. Additionally, the literature addresses a range of topics including the RUC's structure, recruitment, training, culture, and practices. The *Patten Report* speaks to the lack of trust in the divided communities of Northern Ireland, and the challenges of police reform in a nation with two divergent views of the police and police reform.[34]

Congressional hearings in 1999 and 2000 provide insight to the Patten Commission reforms. The transcripts of hearings offer unique insight into the methods of the RUC, the Patten Commission recommendations, and the commission's focus on human rights. The congressional hearing transcripts provide first hand contemporaneous testimony from commission members including Commission Chairperson Chris Patten.[35] Chris Patten testified to the challenges of reform in Northern Ireland and future expectations of success that can now be evaluated from a perspective of almost 20 years

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[31] Killeen, *A Short History of Modern Ireland*.

[32] Graham Ellison, Peter Shirlow, and Aogán Mulcahy, "Responsible Participation, Community Engagement and Policing in Transitional Societies: Lessons from a Local Crime Survey in Northern Ireland," *Howard Journal of Criminal Justice* 51, no. 5 (December 2012): 488–502, doi: http://dx.doi.org/10.1111/j.1468-2311.2012.00738.x.

[33] *Patten Commission Report on Policing in Northern Ireland: Open Meeting before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, House of Representatives*, 116th Cong., 1st. sess., September 24, 1999.

[34] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*.

[35] *Patten Commission Report on Policing in Northern Ireland: Hearing before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, House of Representatives*, 106th Cong., 1st. sess., September 9, 1999; *Protecting Human Rights and Securing Peace in Northern Ireland: The Vital Role of Police Reform: Hearing before the Commission on Security and Cooperation in Europe*, *House of Representatives*, 106th Cong., 2nd sess., September 22, 2000.

hindsight. The testimony provides a clear perspective on the trials of police reform in a divided society and a nation recovering from 30 years of violence.

Graham Ellison and Peter Shirlow of Queen's University Belfast and Aogán Mulcahy of University College Dublin have written extensively on the Patten Commission's reforms and the efforts of the PSNI to build trust and legitimacy. The scholar's consensus is that the actions of the police had shifted from traditional policing to security, "Northern Ireland was characterized by insecurity from the outset, and policing was associated indelibly with issues of State."[36] As the Troubles progress, so did the RUC's focus on the preservation of state security. Ellison emphasizes that in regard to the Troubles, and Patten Commission reform, criminal justice issues "were central to the dynamics of conflict, being both part of the problem and part of the solution."[37]

In 2007, Ellison addressed the implementation of reforms since the 1999 agreement, historical and political factors influencing reforms, and which specific reforms were implemented. At the time of the article's publication, 129 of 175 ICP recommendations had been implemented.[38] One of the most obvious and symbolic recommendation implementations was the name change from the RUC to the PSNI. A symbolic change to the name, badge, and emblems of the police was of great significance to policing in Northern Ireland. The literature shows that throughout the Troubles, the RUC had become both a physical and symbolic representation of the state. To the Catholic community, the RUC had become a reminder of their marginalization and exclusion. To the Protestant community, the RUC was a physical representation of their hold on political and cultural power. The very name *Royal* Ulster Constabulary was a reference to the submission to the crown, and the RUC's badge and hat-piece, the symbolic harp of Ireland topped with the British royal crown, a potent physical representation of Irish subjugation. The literature addresses the importance of symbolic change and its implication to the *Patten Report* reforms, "To stand any chance of success,

[36] Ellison, Shirlow, and Mulcahy, "Responsible Participation, Community Engagement and Policing in Transitional Societies: Lessons from a Local Crime Survey in Northern Ireland," 488–502.

[37] Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 243–69.

[38] Ibid.

the reform proposals would have to address the more intangible issue of 'police ownership' that has historically emphasized the cultural sensibilities of one community at the expense of the other."[39]

Ellison asserts that police reform in Northern Ireland has been sustainable and can be seen as an example to the rest of the world.[40] His collection of work summarizes the RUC/PSNI reforms, which were essential to building trust and establishing legitimacy, "redefining the police mandate; police governance, oversight, and accountability; police training, human rights, and cultural symbolism, recruitment and downsizing; and overseeing change."[41]

Much of the literature on implementing reforms focuses on the work to establish legitimacy in divided Northern Ireland communities. Jonny Byrne and Neil Jarman examine young people's perception of the police during the 10-year transition following reform implementation. Not surprisingly, the literature shows many young people viewed the police negatively in both nationalist and unionist communities based on their firsthand experiences interacting with them, their social backgrounds, and environmental factors.[42] Byrne and Jarman provide an examination of policing following the reforms from the context of youth crime. The authors posit that although the *Patten Report* did not specifically consider young people, they became an important aspect of policing following the peace agreement.[43]

4. Sociology and Police Legitimacy

Peter Berger and Thomas Luckmann's seminal work examines the formation of knowledge and how it is constructed, maintained, and altered within society. The authors assert, "reality is socially constructed and that the sociology of knowledge must analyze

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[39] Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 246.

[40] Ibid., 244.

[41] Ibid., 247.

[42] Jonny Byrne and Neil Jarman, "Ten Years after Patten: Young People and Policing in Northern Ireland," *Youth & Society* 43, no. 2 (June 1, 2011): 433–435, doi: 10.1177/0044118X10383542.

[43] Ibid.," 434–435.

the processes in which this occurs."[44] The literature indicates social construction, mental models, and representations of actions are eventually institutionalized, and people's view of reality is formed by this construction.[45] The authors provide a preeminent academic publication, and a noted work in sociology that is of value to the author's study in terms of social analysis of how individuals in groups see the world and their reality. This perception was true of the RUC and how its organizational memory was constructed to maintain its identity making it resistant to change. Internally, the RUC saw itself as legitimate despite the clear lack of public support. Aogan Mulcahy argues the RUC's claim to legitimacy was influenced by its construction of reality and was asserted by, "(1) moral appeals emphasizing issues of sacrifice, bravery and commitment; (2) claims of community support, particularly private or hidden expressions of support; and (3) assertions of accountability as seen in its vindication in the face of scandal."[46]

The analysis of social construction provides a framework for understanding how police organizations justify themselves and their resistance to change. Additionally, the analysis of public perception provides insight as to how and why people abandon their old way of thinking about the police, and the transformation in thinking from the mistrust of police to seeing the police as a legitimate institution.

R. Brad Deardorff's application of social identity theory provides insight into the social construction of groups in Northern Ireland among not only sectarian groups but also the police themselves. Broadly, Deardorff and other scholars associated with social identity theory agree on three key principles:

1. Individuals strive to achieve or maintain positive social identity.

2. Positive social identity is based to a large extent on favorable comparisons that can be made between the in-group and some relevant out-groups: the in-group must be perceived as positively differentiated or distinct from relevant out-groups.

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[44] Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, 3rd ed. (New York: Anchor Books, 1967), vi.

[45] Ibid.

[46] Mulcahy, "Policing History: The Official Discourse and Organizational Memory of the Royal Ulster Constabulary," 75.

3. When social identity is unsatisfactory, individuals will strive either to leave their existing group and join some more positively distinct group and/or to make their existing group more positively distinct.[47]

These principles, and the literature associated with social identity theory, are critical in the analysis and understanding of the group dynamics during the Troubles. Deardorff stresses that working with communities is more effective than forcing their compliance, and his analysis has direct application to issues of historical perspective in Northern Ireland, police legitimacy, and effecting change.

5. Legitimacy and Procedural Justice

Heather Mac Donald has written extensively on law enforcement in the United States and is one of the foremost journalists on the current state of American policing. Throughout the body of her work, she argues police are being unjustly attacked and presented as part of the problem in the United States.[48] She is credited with popularizing the term "the Ferguson Effect," an idea that reductions in proactive policing and increases in violent crime are a result of increased police scrutiny following a high profile 2014 police shooting in Ferguson Missouri.[49] In her writing, she has addressed this topic in the context of the current national debate focused on questions of race, police legitimacy, and crime rates. Mac Donald argues that police reform has been politicized in the United States and this politicization has resulted in a reduction in proactive policing efforts and a subsequent increase in crime. Mac Donald deconstructs the narrative that police are racist and is critical of current police reform efforts arguing that attacks on law enforcement

[47] Henri Tajfel and John C. Turner, "An Integrative Theory of Intergroup Conflict," in *The Social Psychology of Intergroup Relations*, ed. William G. Austin and Stephen Worchel (Monterey, CA: Brooks/Cole, 1979), 40.

[48] Mac Donald, *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe*, 4.

[49] Juleyka Lantigua-Williams, "Has the 'Ferguson Effect' Finally Been Debunked?," *Atlantic*, September 29, 2016, https://www.theatlantic.com/politics/archive/2016/09/has-the-ferguson-effect-finally-been-debunked/502265/.

result in the "delegitimation of law and order itself."[50] These attacks directly impact perceptions of police legitimacy and calls for reform.

Two sources in particular proved valuable to this thesis and are important in contemporary American police reform, the *President's Task Force Report*, and the Police Executive Research Forum (PERF) report, *Legitimacy and Procedural Justice: A New Element of Police Leadership.* A common theme in both reports is the recognition that police legitimacy and procedural justice are a critical part of any successful policing strategy. The *President's Task Force Report* was completed in 2015 and followed the controversial 2014 Michael Brown shooting in Ferguson, Missouri. The *President's Task Force Report* is a product of the Obama Administration's Department of Justice (DOJ) and is the current guide for American police reform, and a document that calls for significant changes in policing.[51] The current President Trump Administration's DOJ Attorney General Jeff Sessions has called for a new examination of American policing, which will likely result in new changes to policy and direction established under the Obama administration.[52]

The Police Executive Research Forum is a research and public policy organization representing police executives that provides information and assists in public policy related to criminal justice and law enforcement. The report provides definitions of legitimacy, procedural justice, and community oriented policing currently providing guidance to American law enforcement and is also a source of literature influencing American police policy. This report is valuable to the author's area of study, can be viewed as a companion to the *President's Task Force Report*, and provides insight on what makes citizens see the police as legitimate, trustworthy, fair, and impartial.

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[50] Mac Donald, *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe*, 4.

[51] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*.

[52] Jarrett, "Sessions Orders DOJ Review of Police Reforms."

Most scholars and current policy makers have identified the need for police reform from the perspective of police legitimacy.[53] The relationship between the police and communities they serve has become the focal point of efforts to improve relations, and procedural justice as the pathway to achieving it. The belief is that minorities and people of socio-economically challenged communities have lost trust in the police, do not believe they are treated with equal respect, and as a result, are not inclined to assist law enforcement or obey police officers.[54] PERF describes legitimacy and procedural justice as "measurements of the extent to which members of the public trust and have confidence in the police, believe that the police are honest and competent, think that the police treat people fairly and with respect, and are willing to defer to the law and to police authority."[55] This belief is the underlying premise of the most notable example of current police reform in the *President's Task Force Report*.[56] The *President's Task Force Report* stressed that "trust between law enforcement and the people they protect and serve is essential in a democracy."[57] The report establishes the building of trust and establishing legitimacy in disaffected communities as the first of six topic areas or "pillars" and as a foundational principle.[58]

The *President's Task Force Report* emphasizes the importance of procedural justice and legitimacy but also the importance of addressing underlying issues. The Task Force committee put forward two overarching recommendations that a national task force should be created to evaluate all of the criminal justice system with the objective of comprehensive criminal justice reform, and the President should promote programs "that

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[53] Monica C. Bell, "Police Reform and the Dismantling of Legal Estrangement," *Yale Law Journal*, no. 126 (2017): 2058.

[54] Ibid.

[55] Tom Tyler, *Legitimacy and Procedural Justice: A New Element of Police Leadership*, ed. Craig Fischer (Washington, DC: Department of Justice, Bureau of Justice Assistance, 2014), 2.

[56] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*.

[57] Debo P. Adegbile, "Policing through an American Prism," *Yale Law Journal*, no. 126 (2017): 2227–2228.

[58] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 1.

take a comprehensive and inclusive look at community-based initiative that address the core issues of poverty, education, health, and safety."[59]

The two overarching recommendations touch on the view of other scholars that a deeper cause of mistrust exists in societal and governmental systems that influences police community relations.[60] Procedural justice and legitimacy theory are perhaps an analysis of symptoms and offer an incomplete view of the underlying causes influencing relations in disaffected communities. Monica C. Bell proposes the theory of legal estrangement as a means of examining the lack of trust in disaffected communities.

Legal estrangement examines mistrust from a perspective of understanding the deep sense of disillusionment and disenfranchisement felt by minorities in socio-economically challenged communities and the corresponding relationship to the police.[61] The feelings of some marginalized groups go beyond a lack of trust and reflect what Bell describes as, "ruptures in the social bonds that connect individuals to their community and, in particular, to the state through law enforcement."[62] Legal estrangement speaks to how government and society can effectively alienate segments of the population in their systemic practices and their interactions with the community.[63] Although the United States and Northern Ireland have faced different cultural and social issues, they have shared a common challenge with communities facing legal estrangement and the need for the police to build trust and establish legitimacy.

F. CONCLUSION

The author's review of the existing literature reveals much has been written about the topic of the Troubles, the RUC and PSNI reform process in Northern Ireland, and police legitimacy. However, research gaps exist in primarily two areas, literature related to the application of Patten Commission reforms in the United States, and law

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[59] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 7–8.

[60] Bell, "Police Reform and the Dismantling of Legal Estrangement," 2066.

[61] Ibid.

[62] Ibid.

[63] Ibid., 2067.

enforcement's resistance to change in organizational symbols, emblems, and name. The author's research revealed Northern Ireland policing reforms following the 1998 peace agreement are widely seen as a success. The remaining question is whether PSNI successes can be used as a model in the United States, and specifically, in conventional American cities, such as Salinas, California. Additional research is needed in this subject to better inform future law enforcement policy makers.

G. RESEARCH DESIGN

1. Object

This thesis examines the *Patten Report*. This case study addresses whether recommendations implemented by the PSNI can be applied by American law enforcement to build trust effectively and establish legitimacy in American communities. A case study of recommended reforms and potential application to American policing is the product of this research.

2. Selection

The author selected this thesis topic based primarily on his own experience as a Catholic child living in a suburb of Belfast, Northern Ireland, with his family during the Troubles in the 1970s and early 1980s, and his negative perceptions of the police at that time. As a child in Belfast, he saw little difference between the RUC and the British soldiers who patrolled the streets, which they sometimes patrolled together. The police and soldiers moving through the streets of his neighborhood with their tanks and their guns, moving from one position of cover to the next like soldiers through a combat zone, both fascinated and terrified him. His perceptions of the police as an occupying force, however, were exacerbated by the interactions his family had with them. Anytime he was with his 18-year-old brother Patrick on the street or at checkpoints, which were required to pass through to enter the City Center, the police were able to identify them as Irish Catholics by Patrick's name alone and immediately treated them as suspect. His brother and his friends would face a barrage of questions: who were they, where were they going, where had they come from, and what did they have on them? A pat down search would inevitably follow the interrogation. He recognized early on the stigma of being a working

class Irish Catholic youth in Belfast. He soon learned the police were not part of his community, but outsiders who not only brought in their illegitimate authority but their contempt.

Fifteen years after emigrating as a 10-year-old from Ireland to the United States, he became an American police officer. Much of his family remained in Northern Ireland including one of his cousins who was about the same age. He faced the same challenges and more, having experienced his teenage years and early adulthood in Belfast at the height of the Troubles. In 2005, the author made a trip to Belfast and spent some time with his cousin and learned that he, an Irish Catholic, had joined the PSNI and was now a police officer in Belfast, an unlikely prospect for a Catholic just 10 years before. His early years in Northern Ireland, his experience as a Salinas police officer in the United States, and his cousin's journey to the PSNI caused him to evaluate what can be learned from changes in policing in Northern Ireland. Additionally, as American policing faces challenges building trust with disaffected communities, the author asked himself are there lessons to be learned and applied to American policing reform?

In May 2015, the *President's Task Force Report* was released and the task force called for reforms in American law enforcement.[64] Similarly, the *Patten Report* was formulated in 1999 following years of police distrust and presented findings and recommendations focused on building trust and legitimacy in disaffected Irish communities.[65] The *Patten Report* makes it possible to experience the benefit of evaluating what worked and what did not work through the lens of almost 20 years of hindsight.

3. Research Limits

This thesis primarily focuses on the *Patten Report* and the PSNI's application of its recommendations. The scope of the research also includes a study of PSNI

[64] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*.

[65] HM Stationery Office, *Independent Commission on Policing for Northern Ireland (Great Britain), and Chris Patten. A New Beginning: Policing in Northern Ireland: The Report of the Independent Commission on Policing for Northern Ireland* (London: HM Stationery Office, 1999).

implementation taken to facilitate procedural justice, establish trust, and win the "hearts and minds" of a people who 20 years ago were engaged in significant sectarian violence. The research delves into reforms that can potentially be used in American communities to address segments of their communities who feel marginalized and disaffected.

This thesis is not an in depth study of the history of the Irish Troubles and it does not extensively address the origins of the Troubles. Although a brief background is necessary for context, most is outside the scope of this subject. This study is focused on policing in Northern Ireland following the Troubles, subsequent reforms, and their application to U.S. law enforcement. Additionally, the research does not address specific PSNI policies and particular implementation strategies with respect to American policing.

4. Data Sources

The primary sources of data for this thesis study include various forms of literature. In addition to the *Patten Report* and the *President's Task Force Report*, literature includes academic journal reports, theses, newspapers and periodicals, government reports, and publicly available documents. Personal one-on-one interviews or surveys were not necessary for this research.

5. Analysis

The *Patten Report* and its impact on police legitimacy in Northern Ireland is described using existing literature and case studies of PSNI's implementation of recommendations. This thesis offers a qualitative analysis of the PSNI's effort to build trust and legitimacy in Catholic and Protestant communities following the Troubles. A case study of the dynamics involved and the process of implementation is the product of a descriptive approach to the research, including

- analysis of the *Pattern Report's* recommendations,
- analysis of the *President's Task Force Report*, and
- areas of commonality and divergence.

Application to American policing is explored using an appreciative inquiry approach and PSNI implementation is evaluated for potential application to American policing.

6. Outcomes

American state, local, and federal law enforcement agencies would all potentially be consumers; however, the primary consumer of the information would be local police, such as the author's organization, the Salinas Police Department, working to build trust within its communities. Consumer organizations might also include the International Association of Chiefs of Police (IACP), PERF, the DOJ Office of Community Oriented Policing, and other law enforcements organizations focused on progress in the law enforcement industry. This thesis may prove useful to policy writers seeking to reform the justice system and policing in the United States.

II. AMERICAN POLICING

> The ability of the police to perform their duties is dependent upon public approval of police actions.
>
> ~ Peelian Principle 2—Sir Robert Peel

A. INTRODUCTION

American law enforcement is facing many challenges and numerous calls for police reform. Recent national events and the media's focus on these events have called into question the current state of American policing. Some disaffected communities are dissatisfied with the current state of American policing and demand change. Others say the politicization of high profile incidents is in fact the driving force behind growing violence; and feelings of mistrust in police have led to civil unrest, increased crime, the Black Lives Matters movement and violence directed at police.[66] All have contributed to polarization and feelings of mistrust.

It is essential police endeavor to build trust and establish legitimacy in disaffected and polarized communities. Law enforcements' ability to deliver quality policing services, procedural justice, and equity in partnership with the community is crucial to this nation's wellbeing. In the words of Sir Robert Peel, the founder of modern policing, "The ability of the police to perform their duties is dependent upon public approval of police actions."

B. HISTORICAL BACKGROUND

Since the establishment of modern policing by Sir Robert Peel in the 1840s, law enforcement has transitioned through a series of eras or generations that have changed the profession of policing in America. The first period in modern policing is known as the Political Era, and ranged from 1840–1930. During this period, police positions were given out as favors and much of the police function was to enforce the will of their

[66] Ronald and Tuch, *Race and Policing in America: Conflict and Reform*, 5–7.

political patrons. Technology was all but absent, little supervision occurred, and public resistance was met by brute physical force.[67]

The next significant period was the Professional Era from the 1920s through roughly 1980. This important period saw change in law enforcement and came as a result of reaction to police corruption. Efforts were made to root out political corruption and eliminate its influence on the police. During this period, greater emphasis was placed on police professionalism and training.[68] Technology advanced with the introduction of the telephone and two-way radios, and the foot beat was largely replaced by the patrol car.

The third generation of policing consisted of the Community Policing Era, which began circa 1980 and runs through the present day. During this period of change, the police became more decentralized and began to work closely with the public through community oriented policing. Law enforcement leaders realized it was important to build relationships with the community to address the issues about which citizens cared. The PERF described community oriented policing in its 2014 report, *Legitimacy and Procedural Justice: A New Element of Police Leadership,* with the following language, "At the core of community policing is the premise that effective policing is a result of strong and positive relationships between officers and the people they serve."[69] PERF provided this important distinction, in that the relationship must be *positive*, an element that was often lost in the pursuit of proactive policing.

Proactive community oriented policing programs (COPS), such as problem oriented policing and zero tolerance, became common practices as the police battled the so-called "war on drugs." Order maintenance policing and statistics driven policing became more prevalent during this period, as police focused on crime mapping and directed enforcement focused on high crime areas.[70] By the end of the 1990s, the term

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[67] Mark Bond, "Eras in American Policing," *E-Roll Call Magazine*, January 5, 2016, https://andragogytheory.com/2016/01/05/eras-in-american-policing/.

[68] David Sklansky, "Persistent Pull of Police Professionalism," National Institute of Justice, March 2011, https://www.hsdl.org/?abstract&did=8409.

[69] Tyler, *Legitimacy and Procedural Justice: A New Element of Police Leadership*, 8.

[70] Bond, "Eras in American Policing."

community oriented policing was being generically used to describe almost any program of police engagement and reform.[71]

In the 2000s, political attention began shifting away from the War on Drugs as the nation's leaders focused on homeland security efforts and drug treatment versus incarceration.[72] However, many of the proactive policing practices of the past decades including aggressive order maintenance policing, zero tolerance, and police militarization had a lasting impact on communities and left lingering feelings of mistrust. Unfavorable contact with law enforcement and lasting adverse perceptions of the police can leave community members feeling disaffected and can impact their relations with the police.[73]

This period also saw a rise in perceptions of police militarization with government programs, such as the 1033 Program making surplus military equipment available for counterdrug related enforcement.[74] The 1033 Program is a pre-9/11 federal government program and policy dating back to the "War on Drugs." President Bill Clinton signed the program into law in 1996 with the National Defense Authorization Act of Fiscal Year 1997.[75] The intent of the policy was to allow surplus military equipment to be used by law enforcement agencies to assist with counterdrug activities. To date, over 8,000 law enforcement agencies have received equipment through the 1033 Program, and in the year 2013 alone, the Department of Defense transferred almost $500 million in equipment to various organizations.[76] The program had wide-ranging consequence, some of which were unintended.

The 1033 Program assisted financially challenged police agencies in obtaining equipment they might not otherwise have been able to afford. Much of the surplus

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[71] Sklansky, "Persistent Pull of Police Professionalism," 1.

[72] Gary Fields, "U.S. News: White House Czar Calls for End to 'War on Drugs'" *Wall Street Journal*, May 14, 2009.

[73] Ronald and Tuch, *Race and Policing in America: Conflict and Reform*, 2.

[74] National Defense Authorization Act for Fiscal Year 1997, Public Law 85 (1997).

[75] Ibid.

[76] Aaron Sean Poynton, "Military & Civilian Resources: Doing More with Less," Domestic Preparedness, 24, September 10, 2014, https://www.domesticpreparedness.com/preparedness/military-civilian-resources-doing-more-with-less/.

equipment provided to law enforcement consisted of benign items, such as uniform equipment, medical kits, and some small vessels, which changed with the 1997 North Hollywood bank robbery shootout that proved a watershed moment in law enforcement.[77] During this incident, LAPD officers were forced to commandeer rifles from a nearby gun store and an armored bank vehicle for ballistic protection.[78] Following this incident, many agencies sought rifles, Kevlar, and armored vehicles.

The War on Drugs, and the equipment provided via the 1033 Program, had the unintended consequence of contributing to the growing "warrior mentality" culture among American police. As a stipulation to acquiring equipment through the program, departments were required to use the equipment within one year of receipt. Ostensibly, this requirement was to ensure equipment was utilized and not stored and wasted; however, it created an incentive for law enforcement to use it.[79] In the years following 9/11 and the Iraq War, mine-resistant ambush protected vehicles (MRAPs) also became available through the program. The Salinas Police Department was one of the first police agencies in California to acquire a MRAP for civilian law enforcement use, as shown in Figure 1.[80]

[77] Poynton, "Military & Civilian Resources: Doing More with Less," 24.

[78] Rick Orlov and Staff Writer, "North Hollywood Shootout, 15 Years Later," Los Angeles Daily News, accessed November 16, 2016, http://www.dailynews.com/article/ZZ/20120227/NEWS/120229586.

[79] "War Comes Home," accessed November 14, 2016, https://www.aclu.org/feature/war-comes-home.

[80] "City Unveils New Armored Rescue Vehicle," Salinas Police Department, accessed August 29, 2017, http://news.salinaspd.com/city-unveils-new-armored-rescue-vehicle-5777.htm#.WdkW8hNSz-Y.

Figure 1. Salinas Police Department MRAP and Police SWAT Officers in Camouflage Uniforms from the Author's Personal Collection

The American Civil Liberties Union (ACLU) reported that as of 2014, hundreds of law enforcement agencies nationwide received MRAPs.[81] These vehicles, and tactical equipment used by SWAT teams and officers engaged in incidents, such as the 2014 civil unrest in Ferguson, Missouri, contributed to what the public perceived as the militarization of police.[82]

Although never the intent of the policy, the negative public perception of the police as militarized had national policing implications. This unintended consequence added to the growing mistrust of the police, especially in economically challenged minority communities where the equipment was used most often. This utilization,

[81] "War Comes Home," 22.

[82] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 2.

combined with other policing issues, contributed to a sense among some communities that the police were acting illegitimately.[83]

In 2014, Attorney General Holder embarked on a broad review of criminal justice concerns designed to ease mistrust and included the President's Task Force. In the task force's final report, the commission concluded that in terms of militarization, the police cannot build trust if they appear to be an occupying force.[84] The report issued a specific recommendation that policies and procedures should be established among police agencies to minimize the appearance of militarization.[85] Additionally, police agencies working to establish trust and legitimacy should embrace the guardian verses warrior mindset.[86] These efforts are intended to address issues of trust between the police and the communities they serve, ensure a sense of legitimacy, and focus on policing with the community to strengthen overall perceptions of police legitimacy.

Former President Barack Obama curbed the 1033 Program and signed a 2015 executive order barring law enforcement agencies from acquiring military armored vehicles, weapons, riot gear, and other surplus equipment deemed too militaristic.[87] The executive order was prompted by images viewed nationally of police using military style equipment during the civil unrest in Ferguson, Missouri.[88] Riots took place in Ferguson following an incident in which a white police officer shot and killed an 18-year-old unarmed African-American man.[89] The forceful response to the protests and images of heavily armed militarized police may have contributed to the perceptions of the local

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[83] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 25.

[84] Ibid., 11.

[85] Ibid., 25.

[86] Ibid., 1.

[87] Aruna Viswanatha, "U.S. News: Police to Regain Military Equipment," *Wall Street Journal*, Eastern edition, August 29, 2017, http://libproxy.nps.edu/login?url=https://search.proquest.com/docview/1933078542?accountid=12702.

[88] "Trump Restores Police Surplus Military Equipment Scheme," BBC, sec. US & Canada, August 29, 2017, http://www.bbc.com/news/world-us-canada-41078158.

[89] Viswanatha, "U.S. News: Police to Regain Military Equipment."

police as an occupying force.[90] President Obama spoke of this concern in 2015 when he said, "We've seen how militarized gear can sometimes give people a feeling like there's an occupying force as opposed to a force that's part of the community that's protecting them and serving them. It can alienate and intimidate local residents and send a wrong message."[91] Kanya Bennett, ACLU Legislative Counsel, addressed military perceptions of police when she spoke of these tools as combat weapons, "When the federal government is putting weapons of war in our communities, there needs to be some accountability."[92]

On August 28, 2017, President Donald Trump reversed the Obama Administration executive order and reinstated local police agencies' ability to acquire military surplus vehicles, weapons, and equipment through the 1033 Program.[93] Attorney General Jeff Sessions announced the change to the Fraternal Order of Police, America's largest police association, dismissing concerns of militarization when he announced, "We will not put superficial concerns above public safety."[94] Sessions also told the group, "We have your backs and you have our thanks."[95] Some would argue this sentiment suggests the reversal of the executive order was based on a compelling police interest and not a compelling public interest. This issue remains contentious even among members of President Trump's own political party. Senator Rand Paul expressed concern over the reversal, "It is one thing for federal officials to work with local authorities to reduce or solve crime, but it is another for them to subsidize militarization."[96] Senator Paul said he would work to insure transparency to keep police from obtaining prohibited military equipment.[97]

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[90] "Trump Restores Police Surplus Military Equipment Scheme."

[91] Laura Jarrett, "Trump to Lift Military Gear Ban for Local Police," CNN Wire Service, August 28, 2017, http://libproxy.nps.edu/login?url=https://search.proquest.com/docview/1932752520?accountid=12702.

[92] Viswanatha, "U.S. News: Police to Regain Military Equipment."

[93] Ibid.

[94] "Trump Restores Police Surplus Military Equipment Scheme."

[95] Ibid.

[96] Ibid.

[97] Ibid.

C. MODERN DAY MISTRUST IN LAW ENFORCEMENT ORGANIZATIONS

An example of proactive policing efforts fueling mistrust can be found in the "Stop and Frisk" program practiced in New York and other cities. Stop and Frisk was a police practice that began under the administration of NYC Police Commissioner William Bratton and Mayor Rudy Giulliani in the mid to late 1990s.[98] As part of an aggressive proactive policing effort to clean up the city, officers were encouraged to contact people on the street, and if the officers had reason to believe the individual might be armed, conduct a search under the authority of the long established Supreme Court decision *Terry v. Ohio*.[99]

In 2011, at the peak of Stop and Frisk, officers seized 819 guns as a result of contacts and searches.[100] Some argue that each gun seized as a result of proactive policing potentially saves lives, keeps people from being shot, and makes everyone safer. However, others say it comes at a high cost when considering that to seize 819 firearms, the NYPD conducted 685,724 Stop and Frisk contacts.[101] Proponents argue it is worth the impact and works as a deterrent to the half million people stopped. Organizations opposed to the practice, such as the New York Civil Liberties Union (NYCLU), point out that a disproportionate number of minorities are stopped. In 2011, 87% of those stopped were African American or Latino.[102] They argue this humiliation builds resentment and undermines public support for police.

The practice was challenged in the courts, and on August 12, 2013, the U.S. District Court ruled against the City of New York in the case of *Floyd v. New York*. The court found the *practice* of Stop and Frisk unconstitutional and further found the practice

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[98] Ernie Naspretto, "The Real History of Stop-and-Frisk," NY Daily News, June 3, 2012, http://www.nydailynews.com/opinion/real-history-stop-and-frisk-article-1.1088494.

[99] Tyler, *Legitimacy and Procedural Justice: A New Element of Police Leadership*, 20.

[100] Barry Paddock, "NYPD Cops Seized Nearly 400 Guns during Stop-and-Frisk in Past Year," NY Daily News, August 21, 2014, http://www.nydailynews.com/new-york/nyc-crime/nypd-cops-seized-400-guns-stop-and-frisk-year-article-1.1911273.

[101] Ibid.

[102] "Stop-and-Frisk Data," New York Civil Liberties Union, accessed December 3, 2016, http://www.nyclu.org/content/stop-and-frisk-data.

violated the rights of minority groups.[103] In her decision, Judge Shira A. Sheindlin addressed issues of legitimacy:

> While it is true that any one stop is a limited intrusion in duration and deprivation of liberty, each stop is also a demeaning and humiliating experience. No one should live in fear of being stopped whenever he leaves his home to go about the activities of daily life. Those who are routinely subjected to stops are overwhelmingly people of color, and they are justifiably troubled to be singled out when many of them have done nothing to attract the unwanted attention. Some plaintiffs testified that stops make them feel unwelcome in some parts of the City, and distrustful of the police. This alienation cannot be good for the police, the community, or its leaders. Fostering trust and confidence between the police and the community would be an improvement for everyone.[104]

Judge Sheindlin's statement addresses how a crime suppression initiative that leaves citizens feeling unwelcome, humiliated, and distrustful of police, no matter how well intended, may have long-term detrimental implications on police-community relations. Such suppression initiatives may be supported by one socio-economically advantaged segment of the community who are fearful of crime, but may leave the other less advantaged group on the receiving end of the enforcement practice feeling beset.[105] Not only does this impact the people who are stopped, but also they in turn, discuss the contact within their social circles, which can build resentment within entire communities through "vicarious experiences."[106] Vicarious experience occurs when people are influenced by the stories and experiences of family, friends, neighbors, or even distant people with whom they relate.[107] Ronald Weitzer and Steven Tuch in their book *Race and Policing in America: Conflict and Reform* assert similar division occurred as a result of police initiatives in Northern Ireland:

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[103] Floyd et al. v. The City of New York, Opinion and Order, 08 Civ. 1034(SAS), U. S. District Court for the Southern District of New York, August 12, 2013, http://www.nylj.com/nylawyer/adgid/decision/scheindlin_floyd.pdf.

[104] Ibid., 3.

[105] Weitzer and Tuch, *Race and Policing in America: Conflict and Reform*, 10.

[106] Ibid., 121.

[107] Ronald Weitzer, "American Policing under Fire: Misconduct and Reform," *Social Science and Public Policy* 52, no. 5 (October 2015): 476.

> There is abundant evidence that dominant racial groups see the police as allies in the fight against crime. This is especially apparent in deeply divided societies, such as Northern Ireland and South Africa, where the police are or were actively and consciously involved in defending a sectarian sociopolitical system and where the dominant racial or ethnic group traditionally views the police as an instrument for suppressing subordinate groups.[108]

In the United States, just as in Northern Ireland, these lingering feelings of marginalization can undermine the public's perception of police legitimacy and drive disaffected groups further toward their in-group associations.

Stop and Frisk became an overt political issue in the 2013 New York mayoral campaign. Candidate Bill De Blazio campaigned on a promise to draw down the Stop and Frisk Program significantly as part of an effort to reform police practices and reach out to New York communities.[109] De Blazio was elected Mayor and was sworn into office on January 1, 2014, and within weeks, New York Police Commissioner William Bratton informed community groups of a significant decline in Stop and Frisk, and from his perspective, the issue of inappropriate use of the practice had been all but eliminated.[110]

In New York, Stop and Frisk contacts, or Terry stops (derived in name from the U.S. Supreme Court case *Terry v. Ohio*), had been reduced by 95% by 2015.[111] Actions by the new administration and community activists had significantly reduced the number of contacts. Others point out that the reduction in proactive policing might also be an unintended consequence of litigation and opprobrium heaped upon police, and may be contributing to an unintentional reduction in proactive policing and a subsequent rise in crime.[112] Advocates of aggressive order maintenance policing point out the nation's 50

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[108] Weitzer and Tuch, *Race and Policing in America: Conflict and Reform*, 10.

[109] Tyler, *Legitimacy and Procedural Justice: A New Element of Police Leadership*, 20.

[110] Thomas Tracy, "NYPD's Bratton Says He's 'Solved' Stop-and-Frisk Issues," NY Daily News, January 15, 2014, http://www.nydailynews.com/new-york/nyc-crime/nypd-bratton-solved-stop-and-frisk-issues-article-1.1581457.

[111] Mac Donald, *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe*, 82.

[112] Eric Lichtblau, "F.B.I. Director Says 'Viral Video Effect' Blunts Police Work," *New York Times*, May 11, 2016, http://www.nytimes.com/2016/05/12/us/comey-ferguson-effect-police-videos-fbi.html.

largest cities have seen an almost 17 percent rise in homicides in 2015.[113] The reduction in Stop and Frisk practices and the impact to policing efforts was just one part of broader police scrutiny taking place nationally in recent years.

D. FOCUS ON POLICE SHOOTINGS

The 2012 shooting death of Trayvon Martin at the hands of neighborhood watchman George Zimmerman and the subsequent trial drew considerable media attention throughout 2012 and the summer of 2013. Activists and the media focused on questions of race, use of force, and the value of young male African-American lives. Rallies and protests were organized throughout the trial and following Zimmerman's 2013 acquittal in Martin's death. The Black Lives Matter movement was born of these events, and continued on as a social justice movement shifting its focus to other police shootings of young black men.[114]

In the years following the Trayvon Martin incident, a series of police shootings and in-custody deaths of young African-American males drew additional scrutiny, activism, and calls for reform. The deaths of African-Americans Eric Garner in New York, Tamir Rice in Cleveland, Ohio, Walter Scott in North Charleston, South Carolina, Freddie Gray, in Baltimore, Maryland, and most significantly, Michael Brown in Ferguson, Missouri, drew significant mainstream and social media attention. Activists and groups, such as Black Lives Matter, seized upon these incidents and drew connections between them claiming they were a result of widespread racism and apathy toward black lives.[115] African-American activist Kevin Cokley, author of the book, *The Myth of Black Anti-Intellectualism*, and Director of the Institute for Urban Policy Research and Analysis at the University of Texas at Austin, criticized American policing.

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[113] Mac Donald, *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe*, 1.

[114] Elizabeth Day, "#BlackLivesMatter: The Birth of a New Civil Rights Movement," *Guardian*, July 19, 2015, https://www.theguardian.com/world/2015/jul/19/blacklivesmatter-birth-civil-rights-movement.

[115] Willie Tolliver et al., "Police Killing of Unarmed Black People: Centering Race and Racism in Human Behavior and the Social Environment Content," *Journal of Human Behavior in the Social Environment* 26, no. 3–4 (2016): 282.

In an October 2014 editorial in the *St. Louis Post Dispatch*, just two months after the Ferguson shooting and riots, Cokley wrote:

> I would be remiss to not acknowledge that the majority of police officers are not raging racists, but good and decent people who genuinely want to protect the communities they serve. This does not change the fact that according to the FBI between 2005 and 2012, a white police officer killed a black person almost two times a week. It does not change the fact that an unarmed Amadou Diallo was shot at 41 times and struck 19 times by police who mistook his wallet for a gun. It does not change the fact that Oscar Grant was killed by an Oakland, Calif., transit officer who 'accidently' used his gun instead of a Taser. It does not change the fact that more than 50 bullets were fired by the NYPD into a car and killed an unarmed Sean Bell just hours before his wedding. It does not change the fact these are not isolated incidents.[116]

While some may agree with Cokley, others may point out that these incidents are in fact isolated. Law enforcement advocates would claim Cokley is being disingenuous in this passage and in his effort to conflate these incidents and suggest a pattern of behavior. The events he references, from Amadou Diallo to Oscar Grant, span a 10-year period beginning in early 1999 and ending in 2009, and span a geographic distance of over 2,900 miles. Cokley fails to mention that the officers involved in the Amadou Diallo and Sean Bell shootings were acquitted of any wrongdoing following lengthy trials, and is less than accurate in describing Sean Bell as unarmed; Bell was using a vehicle as a weapon and struck an African-American detective with it while trying to escape, which prompted the shooting.[117] Johannes Mehserle, the officer who shot Oscar Grant, was held accountable for his actions, convicted of involuntary manslaughter, and served prison time.[118] The only real nexus between these three incidents is the fact the individuals shot by police were African-American.

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[116] Kevin Cokley, "Black Community's Mistrust of Police is Rational, Justified—Police Must Be Willing and Able to Truly Empathize with Community Anger and Pain," *St. Louis Post-Dispatch*, October 15, 2014, http://infoweb.newsbank.com/resources/doc/nb/news/150FA5182F105700?p=AWNB.

[117] Tom Puleo, "Justice and Race: The Diallo Verdict Echos—Father Calls It 'The Second Murder of Amadou,'" *Hartford Courant*, February 27, 2000, statewide edition; Louise Roug, "Gasps Greet Acquittal," *Los Angeles Times*, April 26, 2008, final edition.

[118] Brian Delas Armas, "Putting the Shooting of Oscar Grant into Perspective," *Los Angeles Examiner*, July 31, 2010, http://infoweb.newsbank.com/resources/doc/nb/news/13428C1D4DD5ABF8?p=AWNB.

Cokley and others point out a "disturbing history" does exist of unarmed black men and women being killed by police.[119] However, a recent *Washington Post* analysis of nationwide media reports of officer-involved shootings published in October 2016 would seem to refute this claim. The article, which gathered information from analysis of print media reports of officer involved shootings, reported that 783 people have been shot and killed by police in 2016: 190 African American, 126 Hispanic, 366 white, and 101 who were classified as other or unknown. Of those killed, 423 suspects were armed with a firearm and 136 were armed with an edged weapon.[120]

These facts and circumstances do not in and of themselves refute any discussion of the need for police reform. Many people in minority communities believe as Cokley does and see through a lens of national media and political activism. Accordingly, people may draw associations by means of vicarious experience between the distant actions of a police officer in one city and the actions of a police officer in another.[121] It is within this reality that law enforcement must build positive relationships. Furthermore, these views held in disaffected communities are given greater credence when echoed at the highest levels of government and can contribute to polarization.

In 2014, in the wake of the Michael Brown shooting and riots in Ferguson, Missouri, President Obama made reference to what he viewed as the broad mistrust of law enforcement and significant racial disparities in the justice system.[122] While specifically addressing the Michael Brown shooting the President stated, "Too many young men of color feel targeted by law enforcement—guilty of walking while black or driving while black, judged by stereotypes that fuel fear and resentment and hopelessness."[123] The president went on to say that racial disparities remain in law

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[119] Cokley, "Black Community's Mistrust of Police is Rational, Justified—Police Must Be Willing and Able to Truly Empathize with Community Anger and Pain."

[120] "Department of Justice Does a Number on Policing," News Bank, October 26, 2016, http://infoweb.newsbank.com/resources/doc/nb/news/160417B3F3B11FB0?p=AWNB.

[121] Weitzer and Tuch, *Race and Policing in America: Conflict and Reform*, 121–122.

[122] Darlene Superville, "Obama: Mistrust of Police Corrodes America," Associated Press News Service, September 28, 2014, http://infoweb.newsbank.com/resources/doc/nb/news/1509F06D494375C0?p=AWNB.

[123] Ibid.

enforcement and the justice system. These statements are powerful and affirm the views of those who believe inequity exists in the justice system for minorities, but it is also a powerfully demoralizing message for police officers and conveys a message that the actions of the police are illegitimate. This statement is especially powerful when viewed in the context that these statements were made before all the facts were gathered, facts that ultimately led a grand jury to exonerate the officer who shot and killed Michael Brown.[124]

A combination of factors ranging from litigation focused on proactive policing efforts, mainstream and social media focus on police shootings, and government officials' condemnation of police, may have resulted in law enforcement reverting to reactive policing and a consequent rise in crime. Officers may be reluctant to engage in proactive policing for fear they will become the next YouTube sensation in a phenomenon that Heather Mac Donald of the *Wall Street Journal* and others termed the "Ferguson Effect."[125] In October 2015, FBI Director Comey, in a speech at the University of Chicago Law School, referenced this phenomenon while addressing the rise in homicides in the country's 50 largest cities and inferred it was possibly a result of a "chill wind blowing through American law enforcement over the last year."[126] Director Comey's anecdotal view was that the pressure on law enforcement was negatively changing their behavior and impacting crime.[127]

E. THE SALINAS POLICE DEPARTMENT

> Working in partnership with the people of Salinas to enhance the quality of life through the delivery of professional, superior, and compassionate police services to the community.
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> ~ Salinas Police Department Mission Statement

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[124] Jim Suhr and Andale Gross, "Fires Burn in Ferguson, Gunshots Heard in Streets," Associated Press News Service, November 25, 2014, http://infoweb.newsbank.com/resources/doc/nb/news/151D1C1D30C8A5C0?p=AWNB.

[125] Mac Donald, *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe*, 6.

[126] Ibid.

[127] Lichtblau, "F.B.I. Director Says 'Viral Video Effect' Blunts Police Work."

The City of Salinas, California, is located in Monterey County along California's Central Coast. Salinas has a population of approximately 161,000 people living within 23.2 incorporated square miles.[128] Salinas is the largest municipality by population in the county and is the county seat located in the fertile Salinas Valley just south of Silicon Valley. Known as the "Salad Bowl of the World," the city is an agricultural industry hub that produces 70% of the nation's lettuce and other produce.[129] Approximately one in four households in Monterey County has income related to the agriculture industry.[130] Salinas has a large migrant worker population supporting the industry. The city is approximately 72% Hispanic, with 68% of the population speaking other than English in their homes, and 20% living below the poverty line.[131] Estimates place the undocumented percentage of the Salinas population at 18%, adding additional complexity to the city's challenges.[132]

The Salinas Police Department has 144 sworn police officers, 44 civilian employees, and two volunteers. Salinas is a predominantly Hispanic community and yet only one-third of the Salinas Police Department's sworn staffing are Hispanic officers and 28% are Spanish speaking. The Salinas Police Department faces additional challenges related to high crime and a multigenerational Hispanic street gang problem. In 2015, the City of Salinas had a firearms related homicide rate of 19.7 per 100,000 people

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[128] "Salinas History," City of Salinas, February 7, 2017, http://www.cityofsalinas.org/visitors/community-profile.

[129] "City of Salinas—Agriculture-Agribusiness-Salinas-CA," City of Salinas, Economic Development, accessed August 30, 2017, http://businessinsalinas.com/Key-Industries/Agriculture-Agribusiness.aspx.

[130] "Monterey County Farm Bureau—Facts, Figures & FAQs," Farm Bureau Monterey, accessed August 30, 2017, http://montereycfb.com/index.php?page=facts-figures-faqs.

[131] "QuickFacts: Salinas City, California, United States," United States Census Bureau, accessed August 30, 2017, https://www.census.gov/quickfacts/fact/table/salinascitycalifornia,US/PST045216.

[132] Enrico A. Marcelli and Manuel Pastor, *Unauthorized and Uninsured: East Salinas and Monterey County* (Los Angeles: USC Dornsife, 2015), https://dornsife.usc.edu/assets/sites/731/docs/Web_08_East_Salinas_Monterey_Cnty_Final.pdf.

placing it seven times higher than the national rate.[133] The city's 2015 homicide rate hit a record high ending the year with 40 homicides and 150 shootings.[134]

In July 2009, then Chief of Police Louis Fetherolf, published an evaluation of the Salinas Police Department and noted the department's lack of adequate staffing.[135] At the time, the Salinas Police Department had 168 sworn officers and Chief Fetherolf called for an increase of 73 officers to police effectively.[136] The Chief revealed the Salinas Police Department had become reactive and was functioning in "crisis mode."[137] Chief Fetherolf stressed,

> With the growing violent and major crime issues in Salinas, we spend disproportionate time and resources on high priority call responses and investigation, thus depleting our capacity to provide adequate crime prevention, education and even suppression, much less other quality of life services. There are simply not enough personnel to get the job done and done well.[138]

Chief Fetherolf stressed that policing was not just the responsibility of the police but the entire community. In addition to asking the community to increase the number of officers, he understood the Salinas Police Department was not serving the community adequately with reactionary policing. A key theme of his report was a call for a shared policing responsibility, recognizing that policing is not just the responsibility of local law enforcement but the entire community.

In the wake of the 2009 financial crisis, the Salinas Police Department faced new challenges and conducted a series of financial cost saving measures including budget reductions, work furloughs, and a hiring freeze that further reduced staffing. In the

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[133] "Welcome to the Youth Murder Capital of California," VICE News, accessed August 31, 2017, https://news.vice.com/article/salinas-the-youth-murder-capital-of-california.

[134] Ibid; Tanya Crawford, "Homicide and Shooting Stats" (official memorandum, Salinas, CA: Salinas Police Department, 2017); Tanya Crawford, email message to author, October 23, 2017.

[135] Salinas Police Department, *180-day Report to the Community* (Salinas, CA: Salinas Police Department, 2009), http://www.cityofsalinas.org/sites/default/files/services/police/pdf/180-DayReport-102009.pdf.

[136] "Salinas Police Chief Calls for More Officers," *Monterey County Herald*, accessed August 31, 2017, http://www.montereyherald.com/article/zz/20090721/NEWS/907219935.

[137] Ibid.

[138] Ibid.

intervening years, the Salinas Police Department faced a critical staffing shortage further impacting the organization's ability to gather criminal intelligence proactively, engage in proactive policing, and, most significantly, impacting its ability to engage in community outreach and trust building. The Department's staffing levels dropped from a 2006 high of 187 sworn positions, to an April 2015 low of 131, and currently stands at 144.[139] These staffing reductions had the unintended consequence of shifting the Department's abilities and enforcement efforts further in the direction of an almost completely reactionary form of policing. As a result, little time was spent building trust and relationships with the community and policing efforts became focused on security.

1. U.S. Policing Discourse and the Salinas Police Department

American policing has hit a pivotal point in its history. The national discourse surrounding policing in recent years has placed American policing under greater scrutiny. The Salinas Police Department is no exception and has faced challenges both internally and externally. Most critically, in 2014, while struggling with staffing issues and rising crime, the Salinas Police Department faced a significant crisis of public trust related to the events surrounding a series of fatal officer involved shootings.

In the spring and summer of 2014, Salinas Police Department officers were involved in four separate fatal officer involved shooting incidents of Hispanic men. Three of the suspects were armed with edged weapons and one with a replica firearm. One shooting involving a Spanish speaking Hispanic man armed with garden shears received national attention when video of the shooting was posted to YouTube.[140] A subsequent anti-police protest in the predominantly Hispanic neighborhood on the evening of the shooting turned violent and a small riot followed with protestors throwing bricks and bottles at officers. One person was shot and killed in a drive by shooting during the protest. An officer responded to aid the shooting victim amidst the protest and was

[139] Staffing numbers provided by the Salinas Police Department Personnel & Training Unit. Kimberly Robinson, email message to author, October 22, 2017.

[140] "Video Captures Salinas Police Fatally Shooting Man with Garden Shears on Busy Street Corner," CBS SF Bay Area, May 21, 2014, http://sanfrancisco.cbslocal.com/2014/05/21/video-captures-salinas-police-fatally-shooting-a-man-with-garden-shears-on-busy-street-corner/.

knocked unconscious by a bottle thrown from the crowd as he gave the victim cardiopulmonary resuscitation (CPR).[141] The officer who was struck, and the officer who rescued him (his brother), were both Spanish speaking Hispanic officers who grew up in the area and were well known and liked in the neighborhood.

The shooting protests reflected a growing lack of trust in the Salinas Police Department from segments of the Salinas community, specifically, the Hispanic community.[142] Kelly McMillin, Chief of Police at the time of the officer-involved shootings, spoke of Salinas' unique challenges and its correlation to the broader national issues of police and race in an interview with the *Washington Post* following the protests:

> When we talk about a national conversation about race relations, they're very Afro-centric. Salinas is 73 percent Latino, and then the rest are Caucasian. I don't have an African American issue here, in any way. I have a huge Latino population that I need to address. So one of the challenges of a heavily Latino population, and a lot of immigrant Latinos, is that they don't speak English. A lot of the fear of law enforcement in the Latino community comes from a cultural fear of law enforcement from whichever country they came from.[143]

The four-officer involved shootings of Hispanic men in 2014 were an unprecedented number for the City of Salinas.[144] The shootings, as Chief McMillin suggested, may have struck a latent cultural fear that exists in some segments of the Hispanic community.[145] Ronald Weitzer and Steven A. Tuch assert in their book *Race and Policing in America: Conflict and Reform*,

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[141] Michael Martinez, "Police Shootings of Latinos Spark Protests in Salinas, California," CNN, updated May 22, 2014, http://www.cnn.com/2014/05/22/us/california-protest-police-shooting-hispanics/index.html.

[142] Robert Santos et al., *Collaborative Reform Initiative: An Assessment of the Salinas Police Department* (Washington, DC: Office of Community Oriented Policing Services, 2016), 80, https://ric-zai-inc.com/Publications/cops-w0799-pub.pdf.

[143] Lydia DePillis, "First Person: Salinas Could've Been Ferguson. Here's Why It Wasn't," *Washington Post*, August 22, 2014, https://www.washingtonpost.com/news/storyline/wp/2014/08/22/first-person-salinas-couldve-been-ferguson-heres-why-it-wasnt/?utm_term=.22dadcef2729.

[144] "Frequently Asked Questions: Officer Involved Shootings in Salinas," Salinas Police Department, updated September 5, 2015, https://www.salinaspd.com/frequently-asked-questions-officer-involved-shootings-salinas-page.

[145] Ronald and Tuch, *Race and Policing in America: Conflict and Reform*, 6.

> Anecdotal evidence suggest that Hispanics, and particularly immigrants, may face some unique obstacles when interacting with the police: namely, language and cultural barriers, fear of deportation among illegal immigrants, and ingrained suspicion of police imported from immigrants' home countries, where police are often thoroughly corrupt or a paramilitary arm of an oppressive regime.[146]

The shootings may have supported preexisting cultural perceptions of police and may have contributed to growing feelings of mistrust among a predominantly Hispanic and disaffected segment of the community. At a protest held at City Council days after the shooting, some voiced that they felt the shooting was motivated by race and called for an independent review board.[147]

In June 2015, tensions between the community and the Salinas Police Department were further exacerbated by yet another incident and YouTube video. Officers responded to a 911 call of a woman being attacked and beaten by her adult son in the middle of a busy roadway in evening traffic. The suspect was under the influence of methamphetamine and violently attacked his mother.[148] When officers confronted the man he attacked the officers who tased him twice in an attempt to gain control. The tasing had no effect and the violent attack continued with the suspect striking at officers and even ripping one officer's taser from his belt. The officers resorted to their batons and struck the suspect repeatedly ultimately controlling him and placing him under arrest. Multiple motorists filmed the event with cellphones and within minutes, the video was posted to YouTube and received national attention. [149]

Once again, protests were held with calls of police brutality and racism.[150] Chief McMillin acknowledged the video was "horrific and inflammatory" and expressed his

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[146] Ronald and Tuch, *Race and Policing in America: Conflict and Reform*, 6–7.

[147] Allison Gatlin, "Impromptu Protest Involves Hundreds," *Salinas Californian*, May 22, 2014, http://libproxy.nps.edu/login?url=https://search.proquest.com/docview/1526889222?accountid=12702.

[148] Jim Johnsons, "Man's Beating, Arrest by Salinas PD Caught on Video," *Monterey Herald*, June 7, 2015, http://www.montereyherald.com/article/NF/20150607/NEWS/150609811.

[149] Ben Brumfield and Errol Barnett, "Police, Mom Offer Differing Accounts of Man Beaten by Salinas Officers," CNN, June 10, 2015, http://www.cnn.com/2015/06/10/us/salinas-police-beating-video/index.html.

[150] Conor Friedersdorf, "Did Police in Salinas Use Excessive Force?" *Atlantic*, June 10, 2015, https://www.theatlantic.com/amp/article/395486/.

understanding at why the community would be alarmed, but also cautioned them to consider all the facts.[151] One month later, the officers were cleared of any wrongdoing by an independent investigation conducted by the Monterey County District Attorney's Office; however, concerns lingered in the community.[152]

In July 2015, a local newspaper called for the establishment of a police oversight commission pointing out that the existing Police Community Advisory Committee (a City Council appointed 14 person advisory committee with no statutory authority to direct police actions) was an inadequate body.[153] Jeff Mitchell of *The Salinas Californian* newspaper wrote,

> We need a police commission that has the teeth to legally and forensically investigate and examine the activities of our police officers and their leaders…the only way this department will ever get this wrecked relationship between its citizen taxpayers and its police department fixed is by establishing a commission that can publicly and legally question how the agency operates.[154]

The call for a police commission by the newspaper was a call for transparent, explanatory, and cooperative accountability between the Salinas Police Department and the public it serves. Police commissions or civilian review boards of the type the newspaper called for are an effort at external civilian review and accountability. As of 2015, 80% of the nation's 50 largest cities have some form of external review.[155]

The need for a Salinas police oversight committee is arguable. The officers involved in the four shootings and the officers involved in the videotaped baton beating

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[151] Veronica Rocha, "Salinas Police Beating Video Looks 'Horrific' but There's Context, Chief Says," *Los Angeles Times*, June 9, 2015, http://www.latimes.com/local/lanow/la-me-ln-salinas-police-beating-video-20150609-story.html.

[152] Jeff Mitchell, "The Time for a Real Salinas Police Commission Has Come," *Californian*, updated July 2, 2015, http://www.thecalifornian.com/story/news/columnists/jeffmitchell/2015/07/01/time-real-salinas-police-commission-come/29601675/.

[153] Ibid.

[154] Ibid.

[155] Roy Roberg et al., *Police and Society*, 6th ed. (New York: Oxford University Press, 2014), 360.

were exonerated of any wrongdoing and their actions deemed justified.[156] Chief McMillin called for an independent DOJ review of the findings, which came to the same conclusion.[157] What is clear, and was supported by the DOJ assessment findings, is the death of four Hispanic men at the hands of police added to mistrust existing between the Hispanic community and the Salinas Police Department, and efforts at transparency and trust building were wanting.[158]

The financial crisis and resulting staffing reductions greatly impacted the Salinas Police Department's ability to engage the community and reduced the Department to primarily reactive policing.[159] Mistrust and perceptions of a lack of transparency were further exacerbated by the fact that much of the community interaction with the Salinas Police Department resulted from enforcement actions, and serious negative incidents and crisis, such as the officer-involved shootings.[160] Police actions and enforcement in East Salinas (the most densely populated, predominantly Hispanic, and most socio-economically challenged section of the city) were perceived as more aggressive.[161] Aggressive enforcement may have contributed to feelings held by many Hispanic community members of a lack of respect for their community by the Salinas Police Department and a belief that the police are more respectful of the white community.[162] President Obama addressed this issue in the *President's Task Force Report*:

> When any part of the American family does not feel like it is being treated fairly, that's a problem for all of us. It's not just a problem for some. It's not just a problem for a particular demographic. It means that we are not

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156 Sara Rubin, "DA Clears All Police Involved in Fatal Salinas Shootings Last Year," *Monterey County Weekly*, September 4, 2015, http://www.montereycountyweekly.com/blogs/news_blog/da-clears-all-police-involved-in-fatal-salinas-shootings-last/article_b1616afc-5391-11e5-ae5a-fb4484174720.html; and Amy Larson, "Salinas Baton-Beating Officers Cleared of Wrongdoing," KSBW, July 2, 2015, http://www.ksbw.com/article/salinas-baton-beating-officers-cleared-of-wrongdoing/1057025.

157 Julia Reynolds, "Salinas Chief Promises DOJ Review of Shooting Investigation," *Monterey Herald*, May 22, 2014, http://www.montereyherald.com/general-news/20140522/salinas-chief-promises-doj-review-of-shooting-investigations.

158 Santos et al., *Collaborative Reform Initiative: An Assessment of the Salinas Police Department*, 4.

159 Ibid., 7.

160 Ibid., 78.

161 Ibid., 79.

162 Ibid., 80.

> as strong as a country as we can be. And when applied to the criminal justice system, it means we're not as effective in fighting crime as we could be.[163]

Aggressive officers in minority communities have long been recognized as a source of conflict and can result in what Weitzer and Tuch refer to as perceptions of an "occupation force."[164] The Salinas Police Department's lack of community oriented policing and reactive enforcement impacted its ability to build community partnerships and trust.[165] It is critical that police agencies work to build trust and help disaffected members of the community see law enforcement as part of their community and not an occupying force.[166]

The Salinas Police Department has faced many challenges in recent years and has not been exempt from the greater national policing discourse. The Department has faced issues of transparency, legitimacy, and building trust in disaffected communities while simultaneously struggling with limited staffing and resources. In November 2014, Salinas voters passed a tax measure in support of public safety. Funding from the tax measure is supporting the hiring of 30 officer positions, additional equipment and training, and a much-needed new police building.

The Salinas Police Department began 2017 with a new police chief, Chief Adele Frese. Chief Frese, a Hispanic woman, is working to build trust and stronger relationships with the Hispanic community. She is continuing the work of her predecessors and has implemented an aggressive recruitment program and is seeking to grow a department that better reflects the community. The Salinas Police Department is also in the planning stages of a new police building, which is expected to be complete by the end of 2019.

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[163] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 5.

[164] Weitzer and Tuch, *Race and Policing in America: Conflict and Reform*, 96.

[165] Santos et al., *Collaborative Reform Initiative: An Assessment of the Salinas Police Department*, 102.

[166] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 42.

The Salinas Police Department is in a pivotal stage of organizational change. The Department faces complex challenges related to violent crime, transparency and accountability, and building trust in disaffected communities. The Salinas Police Department is transitioning through a type of organizational adolescence, evolving from a small reactive police department facing a loss of public confidence and questions of legitimacy, to a larger progressive 21st century department that works *with* the public it serves. Policing is the responsibility of the entire community, and as the Salinas Police Department pursues reform, it must seek to involve, understand, and build trust with the community to fulfill its mission.

2. The Need for Police Reform: Nationally and at the Salinas Police Department

Following the Michael Brown shooting and the Ferguson riots, President Obama called for an evaluation of American law enforcement practices and established the President's Task Force. The task force released its final report in May 2015, and in it, the task force called for reforms in American law enforcement. As a result, police agencies around the country are facing greater scrutiny. The mere calling of the task force suggests to the public that a problem exists with the actions of the police and change is needed. Additionally, the DOJ under President Obama has opened over 23 "pattern and practice" investigations (civil litigation resulting in federal oversight) on police agencies around the county since 2009, giving additional credence to public concerns of American policing.[167]

Activism, politicization, media sensationalism, and genuine incidents of police misconduct may all be contributing factors to public perception of the current state of American policing. Is reform needed? The evidence shows that the perception among the American public is that a need does indeed exist for change and progress in American law enforcement and the profession needs to evolve as it has before. In this thesis, the author posits it is time to enter into a new generation of policing, the era of legitimacy

[167] Mac Donald, *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe*, 81.

and procedural justice with a focus on accountability and a shared responsibility with the public.

A model for this type of police reform exists in Northern Ireland with the Patten Report, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland.* However, just as it is necessary to understand the social and cultural context of events influencing law enforcement in the United States, it is also necessary to understand the context of policing in Northern Ireland. No conversation about policing or police reform in Northern Ireland can exist without understanding the social, cultural, and political influence of its history and the conflict known as the Troubles.

III. THE TROUBLES: A CASE STUDY IN A COMMUNITY'S LOSS OF CONFIDENCE IN POLICING ORGANIZATIONS

The Northern Ireland Conflict, more commonly called the Troubles, was a 30-year armed conflict with deep roots in Irish history.[168] The Troubles was a nationalistic armed struggle with political and sectarian elements spanning from roughly 1968 through 1998.[169] The conflict took place primarily in the six counties of the Irish province of Ulster that formed the United Kingdom state of Northern Ireland.[170]

The Troubles was a complex conflict with both a geopolitical component and armed conflict. It consisted primarily of an armed insurrection by the Catholic nationalist segment of the population and republican groups with a goal of a united and independent Ireland free of British rule.[171] It was primarily waged on the nationalist and republican side by the Provisional Irish Republican Army (PIRA), an outgrowth group of the original Irish Republican Army that became commonly referred to by the misnomer the IRA.[172] The original IRA was an insurgent group that fought an armed conflict against British forces during the Easter Rebellion of 1916–1921 to end British rule in Ireland. British and IRA forces ultimately came to an uneasy peace resulting in the partition of Ireland and the formation of the free independent Republic of Ireland to the south and Northern Ireland to the north. Northern Ireland, made up of the six northernmost counties of Ireland, remained under British control. The IRA continued the republican struggle and sought the unification of Ireland as a single sovereign state. The late 1960s, Irish Civil Rights Movement in Northern Ireland, and the authorities' violent response to it, drove future violence from both sides. Elements dissatisfied with the IRA's interest in pursuit of a political and socialist solution drove a schism within the IRA. Former IRA members and new inductees who embraced armed struggle as a means of achieving Irish

168 Killeen, *A Short History of Modern Ireland*, 286.

169 Prince and Warner, *Belfast and Derry in Revolt: A New History of the Start of the Troubles*, 38–39.

170 Killeen, *A Short History of Modern Ireland*, 252.

171 R. Brad Deardorff, *The Roots of Our Children's War: Identity and the War on Terrorism* (Williams, CA: Agile Press, an imprint of Agile Research and Technology, Inc., 2013), 49.

172 Ibid., 48.

unification broke from the original IRA and formed the PIRA.[173] The names of these organizations and their interests would often be conflated and referred to as simply the IRA. Throughout the Troubles, the resistance from these groups was met with opposition from state sponsored forces including the police or RUC, deployed British Army soldiers, and a local Army contingent called the Ulster Defense Regiment (UDR).[174] It was during the intervening years the lines between these groups became blurred and the RUC increased its policing efforts toward state security policing.[175]

The Protestant loyalist and unionist community formed paramilitary groups of their own in response to the Irish nationalist groups. These groups included the Ulster Defense Association (UDA), and the Ulster Volunteer Force (UVF) among others.[176] The objective of these groups was, ostensibly, to defend the state of Northern Ireland from Catholic political encroachment and stop violence perpetrated by the nationalist and republican paramilitaries. However, both sides of the conflict, the Protestant loyalist and unionist majority in Northern Ireland, and the minority Catholic nationalist and republicans, engaged in sectarian violence. The violence escalated to shootings, bombings, rioting, and neighborhood intimidation and expulsion.[177] Seen on one side as a war of liberation, and on the other as an issue of law and order, terrorism, and state security, over 3,500 were killed in the conflict.[178]

A. ORIGINS

The origins of polarization in Northern Ireland, political conflict, and the ideological roots of various paramilitary groups stretches as far back as the 1600s and the

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[173] Rogelio Alonso, "The Modernization in Irish Republican Thinking toward the Utility of Violence," *Studies in Conflict and Terrorism* 24, no. 2 (March 2001): 131–144.

[174] John Dorney, "The Northern Ireland Conflict 1968–1998," Irish Story, http://www.theirish story.com/2015/02/09/the-northern-ireland-conflict-1968-1998-an-overview/#.WWouR9Pyv-Y.

[175] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*.

[176] "Ulster Volunteer Force," Belfast Child, accessed December 16, 2016, https://belfastchildis.com/ the-troubles-history-background/paramilitary-groups-n-i/ulster-volunteer-force/.

[177] Elliott, *The Catholics of Ulster*, 418.

[178] Michael Cox, Adrian Guelke, and Fiona Stephen, *A Farewell to Arms?: Beyond the Good Friday Agreement*, 2nd ed. (Manchester, UK: Manchester University Press, 2006), 6–11.

arrival of William of Orange.[179] However, the modern roots of the conflict are set in the early 1900s. In 1905, the Ulster Protestants formed the Ulster Unionist Council in response to growing concerns regarding the "Home Rule" movement in Ireland.[180] Home Rule was a late 19th century and early 20th century nationalist movement in Ireland seeking governance in Ireland with authority over Irish affairs as opposed to rule by Westminster in England.[181] The Protestant Unionist feared Home Rule would result in Catholic control from Dublin and discrimination against the Protestant minority and its interests.[182] Ulster Protestants feared being governed by the majority Catholic population and being subjugated to Irish Catholic rule from the south. Protestants joined organizations, such the Ulster Unionist Council, as a means of consolidating and securing important political influence. A patron and client relationship was formed between the Unionist organizations and the Protestant community.

In 1913, the Unionist Council formed the UVF as a militia group to resist Irish self-government and implementation of Home Rule.[183] In that year, a leading Presbyterian journal, *The Witness*, challenged the Protestant community by calling resistance to Home Rule a "sacred duty."[184] As the Irish nationalists and unionists crisis fomented, the Irish Home Rule issue was overshadowed by the outbreak of World War I.

At the onset of the war, many in the UVF enlisted in the British Army. Following the war, the UVF was revived as a result of the Irish War of Independence and the partition of Ireland. The Irish War of Independence ended in 1922 with the establishment of the Irish Free State in the south. The six northern counties of Ulster remained a separate British state of the United Kingdom.[185] Tensions remained due to lingering

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[179] Elliott, *The Catholics of Ulster*, 83–84.

[180] Killeen, *A Short History of Modern Ireland*, 239.

[181] Alvin Jackson, *Home Rule: An Irish History, 1800–2000* (New York: Oxford University Press, 2003), 9.

[182] Ibid., 2–7.

[183] "Ulster Volunteer Force."

[184] Eamon Phoenix, "The Road to Partition: The Fascinating Origins of the Ulster Solemn League and Covenant—and How Spectre of Home Rule Mobilised Unionism and Divided a Nation," *Belfast Telegraph*, September 29, 2012, sec. News.

[185] Deardorff, *The Roots of Our Children's War: Identity and the War on Terrorism*, 49.

republican sentiments; however, the majority Protestant unionists found themselves in control of Northern Ireland, a state whose very existence was anathema to the Catholic minority within Ulster and the Catholic majority in the Republic of Ireland.[186]

B. ROYAL ULSTER CONSTABULARY AND POLICING NORTHERN IRELAND

The Royal Irish Constabulary (RIC) was the historical precursor to the RUC. The RIC ceased to exist in 1922 following the partition of Ireland.[187] In the new Irish Free State, the RIC was disbanded and replaced with a new unarmed Irish police, the Garda Siochana. Following the War of Irish Independence and the partition, many unionists in the North were concerned the RIC had been overly sympathetic to the republicans and had failed to deal effectively with the IRA during the war.[188] The new Northern state formed a committee to address the foundation of the new Northern Ireland police and recommended maintaining the existing RIC structure and personnel.[189] The newly formed RUC was made up of 3,000 officers, one third of whom were Catholics drawn from the RIC.[190] However, in what Ellison and Smyth call a "portent of the coming sectarian relations within the new Northern state," nine out of 15 committee members protested the Catholic numbers and their recruitment from the RIC.[191] Despite the protests, on June 1, 1922, the Royal Irish Constabulary was renamed and reformed in Northern Ireland as the RUC.[192]

The RUC retained the centralized structure of the RIC, and remained a heavily politically influenced paramilitary organization.[193] The RUC was crafted into three classes of officer corps: A, B, and C. The A class were the full-time RUC, B the part-time

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[186] Killeen, *A Short History of Modern Ireland*, 254.

[187] Cox, Guelke, and Stephen, *A Farewell to Arms?: Beyond the Good Friday Agreement*, 18.

[188] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 19.

[189] Ibid.

[190] Elliott, *The Catholics of Ulster*, 380.

[191] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 20.

[192] Elliott, *The Catholics of Ulster*, 375.

[193] Joanne Wright and Keith Bryett, *Policing and Conflict in Northern Ireland*, 1st ed. (New York: St. Martin's Press, LLC, 2000), 50.

force, and C the reserves.[194] This system was by design to ensure Protestant men could be quickly armed to defend the state if necessary.[195] As a result, the RUC soon became a predominantly Protestant police supplemented in its early days by 13 battalions of British soldiers.[196] By the summer of 1922, the RUC's position as a state security force was well ensconced.[197]

Northern Ireland was a state born of conflict and deep suspicions, and its institutions were a product of this genesis. The RUC was no exception and state security in Ireland was a focus of the British state and the RUC from its origins in the early 19th century. The RUC was the main arm of state control since 1922 and was seen by Protestants as "an essential bulwark against the threat posed by Irish nationalism."[198]

Irish society has historically been an ethnically divided society and the policing of Northern Ireland an exercise in the promotion of one ethnic group at the cost of the other. The RUC was not just a police force caught in the middle of a divided society, but an organization that could not be separated from issues of state.[199] The RUC's role as the vanguard in efforts to suppress Irish nationalism and republicanism only deepened the divide in disaffected communities.[200] During times of increased nationalist and republican activity and periods of "crisis," the authorities would activate the RUC B-class part-time officers, or as they were known, the "B Specials." The unionist government utilized the B Specials as a paramilitary unionist militia.[201] Ellison and Smyth note, "Unlike the RUC, the Specials never made any pretense at performing 'routine' policing tasks; their sole function was for the suppression of nationalist dissent."[202] The Catholic

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194 Smyth, "Symbolic Power and Police Legitimacy: The Royal Ulster Constabulary," 299.

195 Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 20.

196 Wright and Bryett, *Policing and Conflict in Northern Ireland*, 299.

197 Ibid., 6.

198 Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, ix.

199 Ellison, Shirlow, and Mulcahy, "Responsible Participation, Community Engagement and Policing in Transitional Societies: Lessons from a Local Crime Survey in Northern Ireland," 488.

200 Wright and Bryett, *Policing and Conflict in Northern Ireland*, 16.

201 Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 30.

202 Ibid.

community saw the B Specials as a brutal sectarian extension of the RUC and unionist government whose sole purpose was to keep Catholic dissidence under control.[203]

During the first 50 years of its existence, the RUC made no effort to build trust and legitimacy with the Catholic nationalist community.[204] It abandoned any pretense of representing the disaffected minority portion of the community and the seeds of the future conflict were sown.[205] Ellison and Smyth assert the Unionist government was, "Unable, and unwilling, to establish a non-partisan police force and allow the nationalist population to participate in the running of the new state, a bitter legacy was in the making."[206]

C. IRISH CIVIL RIGHTS MOVEMENT

Much of the tensions in Northern Ireland lay dormant throughout World War II and the intervening years, but rose to the surface during the volatile 1960s and the Irish Civil Rights Movement.[207] Catholics in Northern Ireland were subject to discrimination at the hands of the Protestant majority and Catholic activists began a series of peaceful civil rights marches inspired by and emulating the black civil rights movement in the United States.[208] The RUC interpreted the movement as separatist and responded with violence.[209]

The RUC deeply mistrusted the minority community and saw the actions of the community as a threat to the state.[210] In October 1968, during a protest in the city of Derry, the RUC met out a disproportional response and reacted with insults and brute

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[203] Smyth, "Symbolic Power and Police Legitimacy: The Royal Ulster Constabulary," 299.

[204] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 30.

[205] Ibid., 31.

[206] Ibid., 30.

[207] Deardorff, *The Roots of Our Children's War: Identity and the War on Terrorism*, 49.

[208] Ibid., 50; Prince and Warner, *Belfast and Derry in Revolt: A New History of the Start of the Troubles*, 39.

[209] Deardorff, *The Roots of Our Children's War: Identity and the War on Terrorism*, 50.

[210] Ibid.

force.[211] This state response fomented additional radicalization in the Catholic community and more protests perpetuating the cycle of violence.[212] The Ulster government responded with some concessions to the Catholic minority that caused some unionist and loyalists to react for fear of their own security as the ruling party.[213] This fear drove the Protestant unionists further toward their sectarian in-group associations.

Protestant paramilitary groups, such as the UVF and their Catholic counterparts the PIRA, and others, were the result of the clash of political interests. When one group is in opposition to the objectives of the other, the result is political conflict, and, as in this case, violence and terrorism.[214] Some observers suggested that fears, grievances, and violence fueled further violence and polarization within communities in what became a self-perpetuating feedback loop of violence that led to the rise of the Provisional Irish Republican Army as a counter to perceived Protestant aggression. Both sides now saw attacks as negative honor challenges requiring a response to "defend" their people. A contest for status took place during this conflict and the challenge-response cycle within it. David Brannan, Kristin Darken, and Anders Strindberg describe the challenge-response cycle within the application of social identity theory in their book *A Practitioners' Way Forward: Terrorism Analysis*:

> The central mechanism of the challenge-response cycle lies in public exchanges between individuals or groups whereby they establish their social rank or status… Negative challenges are those that establish or reinforce a negative relationship, such as an armed attack, verbal abuse, or an alliance that challenges the interests of the other group…A successful negative challenge will enhance the social status of the challenger at the expense of the challenged, while a failed negative challenge may either have the opposite result, or simply reinforce the status quo.[215]

Simon Prince and Geoffrey Warner argue in their book on the origins of the Troubles, *Belfast and Derry in Revolt*, "Polarization was more a product of violence than

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[211] Prince and Warner, *Belfast and Derry in Revolt: A New History of the Start of the Troubles*, 97.

[212] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 57.

[213] Deardorff, *The Roots of Our Children's War: Identity and the War on Terrorism*, 50.

[214] David Brannan, *A Practitioner's Way Forward: Terrorism Analysis* (Salinas, CA: Agile Press, 2014), 57.

[215] Ibid., 69.

the cause of it."[216] Acts of violence and the challenge-response cycle drove the people of Northern Ireland toward their in-group and fueled their hatred of "the others."

D. POLARIZATION AND THE RUC

In Northern Ireland during the 30 years of the Troubles, the paramilitary groups battled for the future of Ulster. Although control of the physical limited landscape of Ulster was their objective, perhaps equally important, if not more so, was the limited good of political influence and social capital. The Protestant communities feared the Catholic republican movement and its political and social influence over the people of Ulster, which was especially true in poor East Belfast protestant communities, such as the Shankill Road. In these neighborhoods, Protestants saw themselves as being encroached upon by Catholics. They saw Ulster and their neighborhoods in Belfast and other towns as bastions of British sovereignty. Young men in Catholic and Protestant neighborhoods joined paramilitary groups for security, social power, and identity. Protestant groups offered a fearful community the promise of safety, security, and a means of defending themselves and their honor from the Catholic republican insurgency. Both sides battled for the limited good of honor, political influence, and control of Ulster's future.

The RUC was a catalyst in all of it. The Protestant loyalist and unionist community saw the RUC as the "thin green line" between them and Catholic violence.[217] The Catholic nationalist and republican community viewed the RUC as not only defenders of the state but as guilty participants of collusion with Protestant paramilitaries.[218] As the Troubles progressed, officers in the RUC encouraged action by Protestant paramilitaries against those they saw as a threat.[219] Two noteworthy incidents of RUC collusion were documented in the murder of solicitors (defense attorneys) Pat Finucane and Rosemary Nelson. A 1999 U.S. Congressional hearing addressing the Patten Report noted that prior to their murders, both had received death threats from

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[216] Prince and Warner, *Belfast and Derry in Revolt: A New History of the Start of the Troubles*, 255.

[217] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 177.

[218] Wright and Bryett, *Policing and Conflict in Northern Ireland*, 50.

[219] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 146.

individuals belonging to the RUC.[220] Ellison and Smyth claim that in the case of both solicitors, "there is mounting evidence that the UDA killers operated with information supplied by the RUC."[221]

Incidents of police violence, collusion, and measures enacted by the state, which provided broad powers to the police, adversely impacted public perception of RUC legitimacy. As the Troubles progressed, both sides of the conflict increasingly saw the RUC as agents of unionist state power.[222] The *Patton Report* noted the Protestant unionist community held the RUC as "custodians of nationhood" and the Catholic nationalists as "symbols of oppression."[223]

As the Troubles entered the 1990s, war weariness grew and the public appeal of violence as a means of achieving political goals declined.[224] In 1994, the IRA engaged in a ceasefire, which was followed by loyalist paramilitary groups shortly thereafter.[225] The ceasefire and war-weariness on both sides led to multilateral peace talks. Following 30 years of violent conflict, the Troubles formally ended with the 1998 Good Friday Peace Agreement signed in Belfast on April 10, 1998.[226] Police reform and the establishment of the Independent Commission on Policing for Northern Ireland was a condition of the peace agreement, and essential for peace.[227] Although the Troubles had officially ended, the *Patten Report* called for policing reform in the new millennium amid disaffected

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[220] Christopher H. Smith, ed., *Protecting Human Rights and Securing Peace in Northern Ireland: The Vital Role of Police Reform: Hearing before the Committee on Security and Cooperation in Europe* (Collingdale, PA: Diane Publishing Co., 2000), 2, http://congressional.proquest.com.libproxy.nps.edu/congressional/result/congressional/pqpdocumentview?accountid=12702&groupid=100340&pgId=1e243a40-a21e-4216-bd35-6b0d6022804c.

[221] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 146.

[222] Ibid., 177.

[223] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 2.

[224] Deardorff, *The Roots of Our Children's War: Identity and the War on Terrorism*, 55.

[225] "Who Are the UVF?," BBC, June 22, 2011, http://www.bbc.com/news/uk-northern-ireland-11313364.

[226] Cox, Guelke, and Stephen, *A Farewell to Arms?: Beyond the Good Friday Agreement*, 1.

[227] Wright and Bryett, *Policing and Conflict in Northern Ireland*, 1.

communities with deep wounds and distrust; some of it latent, but much of it in plain view and on display. See Figure 2.

Figure 2. UVF Mural in a Protestant Neighborhood in Belfast from the Author's Personal Collection, Taken in 2005

IV. A PROSPECTIVE MODEL FOR POLICE REFORM: THE *PATTEN REPORT*

A. THE PRINCIPLES OF PATTEN REFORM

The *Patten Report* was released on September 9, 1999, and submitted 175 recommendations for police reform in Northern Ireland.[228] The Patten Commission established five benchmarks as guiding principles for its work based on the mandate provided by the Standing Advisory Commission on Human Rights.[229] These benchmarks included the following:

1. Does the proposal promote efficient and effective policing?
2. Will it deliver fair and impartial policing, free from partisan control?
3. Does it provide for accountability, both to the law and to the community?
4. Will it make the police more representative of the society they serve?
5. Does it protect and vindicate the human right and human dignity of all?[230]

The *Patten Report* consists of two specific pillars of Northern Ireland police reform. The first pillar concerns traditional police reforms addressing organizational systems and management structures.[231] These reforms are in line with established police reform practices: improving accountability, recruitment, training, management structures, procedural and policy changes, and organizational and cultural changes. The first pillar of reform is an attempt to contemporize the police in accordance with industry best practices.[232]

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[228] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 107–122.

[229] Ibid., 5.

[230] Ibid., 6.

[231] Kempa and Shearing, "Post-Patten Reflections on Patten."

[232] Ibid., 6.

The second pillar of reform addresses the more abstract reforms in terms of policing philosophy. Policing has become multifaceted and the police cannot ensure security alone. Although it may be a progressive modern view of policing, it is truly nothing new. This philosophy is often referenced in an apocryphal principle attributed to Sir Robert Peel, the 1829 founder of modern policing, with the statement, "The police are the public and the public are the police; the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interest of community welfare and existence."[233] Policing is not just the responsibility of the police but the entire community. The Patten Commission recognized this idea and addressed the need for a shift in philosophy in Northern Ireland's policing in the opening pages of the *Patten Report* when it posed the question, "How can professional police officers best adapt to a world in which their own efforts are only a part of the overall policing of a modern society?"[234] The Commission acknowledged Peel's principle and the need for a shift in philosophy when it further wrote, "How can police services reorient their approach so that, in the words of the founder of first Irish and then British policing, Sir Robert Peel, their main object becomes once again the prevention of crime rather than the detection and punishment of offenders?"[235]

The two *Patten Report* pillars and five benchmarks are not addressed separately but concurrently throughout the report. The more conventional components of the first pillar are imbued with those of the second. The report's combined guiding principles were the driving force behind police reform in Northern Ireland.

B. NEW DIRECTION

For 30 years, the Royal Ulster Constabulary's law enforcement efforts in Northern Ireland were distorted by a focus on internal security.[236] The very definition of

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[233] Susan A. Lentz and Robert H. Chaires, "Invention of Peel's Principles: A Study of Policing Textbook History," *Journal of Criminal Justice* 35, no. 1 (February 2007): 69–79.

[234] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 3.

[235] Ibid.

[236] Ibid., 41.

policing had changed in Northern Ireland and the Patten Commission recognized the need for a renewed policing mandate.[237] The *Patten Report* dedicated a chapter entitled, "Policing with the Community" to the concept that people want to see the police and community working together.[238] In the 1980s and 1990s, police in the United Kingdom and other western democracies were under increased pressure to address crime rates.[239] Focus shifted to a more economically efficient managerial approach holding police accountable for their effectiveness.[240] Similarly, in the United States, policing was seeing a greater emphasis on enforcement and order maintenance policing.[241] The *Patten Report* sought to shift the police in Northern Ireland away from the "reactive, security-focused policing," which most of the RUC officers had grown accustomed to in the previous decades.[242] The new mandate set forward by the Patten Commission in the report shifted the focus from "police to policing." This shift was explained by the commission in the report when it wrote,

> The police working in partnership with the community; the community thereby participating in its own policing; and the two working together, mobilizing resources to solve problems affecting public safety over the longer term rather than the police, alone reacting short term to incidents as they occur.[243]

It was not a call for the public to submit to the legal authority of the police but a call for a shared public and police responsibility—a call for an equal partnership.

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[237] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 41.

[238] Ibid., 40.

[239] Les Johnston and Clifford Shearing, *Governing Security: Explorations in Policing and Justice* (Abingdon, United Kingdom: Routledge, 2003), http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/9731325?accountid=12702.

[240] Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 247.

[241] Bond, "Eras in American Policing."

[242] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 45.

[243] Ibid., 40.

C. ACCOUNTABILITY AND TRANSPARENCY

Effective democratic policing requires professionalism, trust, legitimacy, and accountability.[244] The *Patten Report* describes public accountability of the police as twofold, "In a democracy, policing, in order to be effective, must be based on consent across the community…Consent is not unconditional, but depends on proper accountability, and the police should be accountable in two senses—the 'subordinate or obedient' sense and the 'explanatory and cooperative sense.'"[245] In this statement, the Patten Commission stresses the overarching importance of accountability in policing. Accountability must not just be a managerial process, but must become part of the police organizational culture, philosophy, and ethos. Trust and community consent must be present for democratic policing to be effective.[246]

The Patten Commission recommended greater transparency in the police service in terms of explanatory and cooperative accountability. The *Patten Report* proposes the following litmus test for transparency, "The presumption should be that everything should be available for public scrutiny unless it is in the public interest—not the police interest—to hold it back."[247] The report recommends police codes, practices, and policies should be publicly available, but emphasizes that it does not mean operational techniques, tactics, or intelligence. The Salinas Police Department, for example, does not make its department policy manual available on the department website, but requires a formal request through the City that can take up to two weeks and a processing fee of .15 cents per page.[248] The current Department policy manual is 727 pages, making acquisition of the manual an expensive purchase at over $100.00.[249] This pricing complicates the

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[244] Otwin Marenin, "Building a Global Police Studies Community," *Police Quarterly* 8, no. 1 (2005): 99–136.

[245] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 22.

[246] Ibid.

[247] Ibid., 36.

[248] City Clerk's Office, *Administrative Memorandum Admin Memo 10-1, Public Records Request* (Salinas, CA: City of Salinas, 2010).

[249] City of Salinas Police Department, *City of Salinas Police Department Lexipol Policy Manual* (Salinas, CA: City of Salinas Police Department, 2017).

process for citizens who wish to review the policies guiding the actions of *their* police and may be seen as prohibiting the building of trust with the community. The Salinas Police Department's multi-step process of obtaining the policy begs the question, is it in the public interest or the police interest? Some might argue that if the public were able to access department policies easily, they would constantly be scrutinizing police actions and looking for deficiencies. If these deficiencies exist in police practices, the public *should* scrutinize and illuminate them, and speaks exactly to the point the Patten Commission was making when stating transparency is an open, community-based, form of accountability.[250]

Transparency must also exist in the form of subordinate and obedient accountability.[251] The *Patten Report* presents this accountability in the form of internal police management, governance, and public oversight. The Patten Commission offers these recommendations in a section optimistically entitled, "Accountability II: A New Beginning."[252] These systems are presented in the form of recommendations for police management and oversight, two of which include the Policing Board and District Policing Partnership Boards.[253]

D. POLICING BOARD AND DISTRICT POLICING PARTNERSHIP BOARDS

The *Patten Report* is unambiguous in its mandate and recommendation for the establishment of the new Policing Board. "We recommend that the statutory primary function of the Policing Board should be to hold the Chief Constable and the police service publicly to account."[254] The Patten Commission goes on to define the purpose of the Policing Board with two distinct roles. First, the Policing Board is empowered to require accountability of the police service with oversight as a democratic body.

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[250] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*.

[251] Ibid., 22.

[252] Ibid., 28.

[253] Ibid., 28–39.

[254] Ibid., 28.

Members of the Policing Board are to be reflective of the Northern Ireland community, including political parties and civilian organizations. The Commission suggests membership drawn from trade unions, businesses, volunteer groups, the legal profession, and faith based groups among others.[255] The Commission's intent is to create a board made up of respected community stakeholders and stressed this goal in the *Patten Report* when it wrote, "Again, our objective is to create a body whose views command respect and cannot be taken lightly by either government or police: and a body which reflects the cultural mix of society as a whole."[256] In its recommendations, the Patten Commission empowers the Policing Board with the responsibility of monitoring recruitment, creating and monitoring oversight, the authority to hold inquiries into police conduct and human rights, and the authority to appoint and discipline chief officers.[257] The Policing Board is given authority to require the chief constable to "report on any issue pertaining to the performance of his functions or those of the police service."[258] This authority requires the chief constable to report on operational decisions short of those related to "national security, sensitive personnel matters and cases before the courts."[259] Notably, even the chief constable must be held accountable.

The second function of the Policing Board reflects one of the primary themes throughout the *Patten Report*, a shift from police to *policing*.[260] The use of the title "Policing Board" was a deliberate act on the part of the Patten Commission designed to establish a body whose role was to extend beyond police transparency and supervision.[261] The Commission envisioned the Policing Board extending its role as a conduit out into the community and overseeing a network of police, public, and private sector entities.[262]

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[255] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 30.

[256] Ibid.

[257] Ibid., 31–34.

[258] Ibid., 33.

[259] Ibid.

[260] Johnston and Shearing, *Governing Security: Explorations in Policing and Justice*.

[261] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 29.

[262] Ibid.

The Commission recommended the Policing Board coordinate closely with organizations whose work connects with public safety to include, "education, environment, economic development, housing and health authorities, as well as social services, youth services and the probation service, and with appropriate non-governmental organizations."[263] The Commission believed marshaling the talents and abilities of these entities would result in greater integration and help address wider policing and public safety issues.[264]

In keeping with its ideal that policing should be "in partnership with the community," the Patten Commission recommended local commanders be given greater authority to address local issues.[265] Historically, the RUC, like many police forces, was constructed along military lines.[266] It had been reinforced by its work with the British Army and decades focused on security issues.[267] The *Patten Report* recommended police authority be decentralized and "devolved as far as possible to those responsible for delivering services to the community."[268] In addition to internal command restructuring, and as an additional means of promoting police community partnership, the *Patten Report* recommended the establishment of District Policing Partnership Boards (DPPBs).[269]

The local District Council would establish the DPPBs as a Council committee tasked to work closely with each District Command Unit (smaller areas of command responsibilities within the police).[270] The Council would establish DPPBs from candidates elected from within local political parties, with some independent members selected by the Council and Policing Board.[271] The Patten Commission envisioned the

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[263] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 29.

[264] Ibid.

[265] Ibid., 69.

[266] Ibid.

[267] Ibid.

[268] Ibid.

[269] Ibid., 34.

[270] Ibid.

[271] Ibid.

function of the DPPBs as a local "advisory, explanatory and consultative" body.[272] In recommending the DPPBs, the *Patten Report* proposed, "The Boards should represent the consumer, voice the concerns of citizens and monitor the performance of the police in their districts."[273] The Commission also recommended the DPPBs and Policing Board remain in regular contact and work together.[274]

The establishment of a Policing Board and DPPBs as a means of cooperative accountability and transparency has application to the Salinas Police Department. The City of Salinas, a city with a population of approximately 165,000 and a police department of 150 sworn officers, is smaller both geographically and in population than the area served by the PSNI. Additionally, policing in Northern Ireland has a unique political, social, and cultural history that does not exist in Salinas. A restructured and amalgamated form of both boards, with less emphasis on the political structure of the board's makeup and a greater concentration on working closely with consumers of police services in the community, should be the focus in Salinas.

The City of Salinas is broken down into four areas of command falling under the direct responsibility of an assigned Area Commander. Following the Patten Commission's recommendation and its example for policing in Northern Ireland, the Salinas Police Department should devolve greater authority to Area Commanders and empower them to work more closely with community groups in their specific area of command and a more influential and restructured policing committee.

A framework exists in Salinas for building an effective policing committee using the Northern Ireland Policing Board and District Policing Partnership Boards proposed by the *Patten Report* as a model. Salinas has a Police Community Advisory Committee (PCAC) made up of 14 members appointed by the elected City Council and Mayor.[275] The PCAC is largely a symbolic and political advisory committee with no real power or

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[272] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 35.

[273] Ibid., 34.

[274] Ibid., 36.

[275] Salinas Police Department, *Salinas Police Community Advisory Committee, By-Laws Sec. 2, Police Community Advisory Committee* (Salinas, CA: City of Salinas, 2015).

influence over the Salinas Police Department.[276] Greater authority could be granted to the PCAC to hold police publicly accountable by means of cooperative accountability and transparency, and as a means of driving community-policing efforts into action. A more empowered PCAC could be recast as a Community *Policing* Board with membership drawn from designated areas of command and City Councilmember's constituency. A Community Policing Board with deep connections to businesses, civic organizations, and faith-based groups working with assigned Area Commanders would have a greater role in convening community meetings, directing policing priorities, and acting as a conduit of police transparency. Perhaps more importantly, a Salinas Community Policing Board could facilitate better communication and promote the building of trust and legitimacy between the police and the people they serve.

E. POLICE TRAINING AND HUMAN RIGHTS

The actions of the police in the execution of their duties, whether lawful or not, has incredible power to influence public perception of their legitimacy. The protection of human rights is fundamental to the performance of these duties and must be at the core of policing. Decisions police officers make each day, and human rights considerations guiding decisions, can influence public perceptions of their policing as either good or bad.[277] The Patten Commission addresses this topic in Chapter 4 of the *Patten Report* specifically addressing human rights.[278] The Commission wrote, "Bad application or promiscuous use of powers to limit a person's human rights—by such means as arrest, stop and search, house searches—can lead to bad police relations with entire neighborhoods, thereby rendering effective policing of those neighborhoods impossible."[279] The *Patten Report* proposes that as an element of policing, upholding the law and upholding human rights are not separate functions but one in the same.[280]

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[276] Salinas Police Department, *Salinas Police Community Advisory Committee, By-Laws Sec. 2, Police Community Advisory Committee*.

[277] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 18.

[278] Ibid.

[279] Ibid.

[280] Ibid.

Respect for dignity and human rights are at the core of the Patten Commission's approach to police reform. One of the *Patten Report's* central positions was that, "the fundamental purpose of policing should be, in the words of the agreement, the protection and vindication of the human rights of all."[281] The *Patten Report* proposed that the PSNI approach policing with an adherence to international human rights standards, but it should also be a part of PSNI culture and philosophy. The PSNI and policing in general should treat individuals with dignity and respect not because the law or department policy requires them to but because it is the right thing to do.[282]

The Commission believed that a human rights based philosophy should be fully incorporated into the PSNI's training curriculum and culture from the beginning.[283] "Like community awareness training, human rights and human dignity should not be seen as an add-on to training, but as a consideration affecting all aspects of training."[284] The commission argued that training would be an important element of this not only for new officers but also for experienced officers throughout their careers.[285] Human rights training was not a box to be checked, but a concern to be infused throughout all training.

The Patten Commission recognized in its report that the police in Northern Ireland were militaristic and the RUC was focused on counterinsurgency policing.[286] Upwards of 10% of the RUC's training curriculum had been focused on military style drill training.[287] In 1999, the year the *Patten Report* was published, of 700 training sessions, only two were dedicated to human rights training, 40 to military style drill, and 63 to firearms training.[288] The Patten Commission saw this as a reflection of the Troubles and

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[281] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 18.

[282] Steven T. Engel and George W. Burruss, "Human Rights in the New Training Curriculum of the Police Service of Northern Ireland," *Policing: An International Journal* 24, no. 4 (2004): 503.

[283] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 18.

[284] Ibid., 95.

[285] Ibid., 91.

[286] Ibid.

[287] Ibid., 19.

[288] Ibid.

the historical origins of Northern Ireland policing when it wrote, "the preponderance of these last two subjects reflects the security situation that has afflicted Northern Ireland and its distorting effect on policing, including the integration of human rights into policing culture."[289] The Patten Commission's review saw police training as prescriptive verses educational, lacking in problem-solving techniques, and needing to focus more on education rather than training.[290]

The *Patten Report* recommended civilianizing as much of the police training as possible and placing a greater emphasis on education rather than training.[291] The Commission argued that whenever possible, training should be conducted in non-police environments leveraging local universities and educational programs with civilian teachers.[292] Training should be conducted in environments that also include non-police students, "instruction in constitutional matters, human rights, and aspects of the criminal justice system are examples of what we have in mind."[293] The Patten Commission believed on-going education of police officers should be encouraged, and, "The police service as a whole should see itself as an organization that values education."[294]

F. RECRUITMENT

Building trust and community cohesion between the police and the public they serve is dependent on the public's perception of procedural justice and legitimacy.[295] Diversification within the police, proportional representation, and a police service that reflects the community is now a widely accepted principle in police reform that

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289 Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 19.

290 Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 250.

291 Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 93.

292 Ibid.

293 Ibid.

294 Ibid.

295 Tyler, *Legitimacy and Procedural Justice: A New Element of Police Leadership*, 2.

influences legitimacy.[296] In the United States, this belief was supported by the DOJ in 2001 when it asserted

> A diverse law enforcement agency can better develop relationships with the community it serves, promotes trust in the fairness of law enforcement, and facilitate effective policing by encouraging citizen support and cooperation. Law enforcement agencies should seek to hire a diverse workforce.[297]

Diversification and inclusion of the Catholic minority was a serious challenge facing the Patten Commission in Northern Ireland. In 1999, during the time of the commission's work, approximately 6% of the RUC identified as Catholics.[298] In contrast, the Northern Ireland population at the time was near 44% Catholic, and the RUC was almost exclusively Protestant.[299] Furthermore, Catholics were less likely to join the police in Northern Ireland than other disaffected minority groups in western democracies facing similar social challenges.[300]

The Commission recognized throughout the *Patten Report* that the principal problem facing policing in Northern Ireland was the divide between Catholic nationalists and Protestant unionists.[301] Many in the Catholic community identified the police as an arm of the state and an extension of Protestants and unionism.[302] Catholics were actively discouraged from pursuing careers with the police, including sometimes facing outright intimidation from both sides.[303] A 1997 internal RUC survey showed that for the small

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[296] Weitzer and Tuch, *Race and Policing in America: Conflict and Reform*, 96.

[297] Ibid.

[298] Smith, *Protecting Human Rights and Securing Peace in Northern Ireland: The Vital Role of Police Reform: Hearing before the Committee on Security and Cooperation in Europe*, 27.

[299] Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 251.

[300] Brendan O'Leary and John McGarry, *Policing Northern Ireland: Proposals for a New Start* (Belfast: Blackstaff Press, 1999).

[301] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 86.

[302] Ellison, Shirlow, and Mulcahy, "Responsible Participation, Community Engagement and Policing in Transitional Societies: Lessons from a Local Crime Survey in Northern Ireland," 489.

[303] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 86.

number of Catholics who did join the RUC, 63% claimed to have faced political and religious harassment within the RUC.[304]

The Patten Commission made a number of recommendations to effect change in the recruitment and makeup of the police in Northern Ireland. It outlined a goal of increasing the number of Catholic officers in the proceeding 10 years by one third.[305] To achieve this dramatic shift, the *Patten Report* recommended a 50/50 recruitment policy in which one Catholic and one Protestant would be hired from the applicant list.[306] The *Patten Report* specifically reinforced the existing policy supporting merit as a critical criterion for candidate selection when it wrote, "We recommend that all candidates for the police service should continue to be required to reach a specified standard of merit in the selection procedure. Candidates reaching this standard should then enter a pool from which the required number of recruits can be drawn."[307] In this recommendation, the commission recognized the importance of maintaining high standards for all, and perhaps, more significantly, the importance of ensuring no perceptions existed moving forward that Catholics were selected as a result of lowered standards. Once a pool of qualified candidates was established by merit, the 50/50 selection process could be implemented.

The Patten Commission recognized the 50/50 selection policy was incumbent upon an increase in Catholic applicants. To achieve this objective, and counter years of opposition directed toward Catholic interest in police service, the *Patten Report* returned to what the commission believed was key to the success of almost everything in the report, community involvement.[308] The Patten Commission recommended, "community leaders, including political party leaders and local councillors, bishops and priests, schoolteachers and sports authorities, should take steps to remove all discouragements to members of their communities applying to join the police, and make it a priority to

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[304] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 175.

[305] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 88.

[306] Ibid.

[307] Ibid., 87.

[308] Ibid., 86.

encourage them to apply."[309] What is noteworthy in this passage is the *Patton Report* not only recommends community leaders encourage Catholics to apply, but an acknowledgement that these same leaders, and the nation's security situation, had been an obstruction in the past. In 1994, following the IRA ceasefire, applications from Catholics rose from 12% to 21%, and returned to previous levels when the ceasefire ended.[310] Levels rose again to 20% in 1998 with the signing of the Peace Agreement, further suggesting a link to security issues.[311] The community recruitment recommendation was so important to the Patten Commission that it warned proceeding recommendations would have limited effect unless it was implemented, and warned it could not stress the recommendation too strongly.[312]

G. CULTURAL SYMBOLISM

A police organization's internal culture and ethos reflects how it sees itself, the role of its internal management, and how its officers are expected to engage with the community.[313] The actions of police in society are important, but what they project and what message they send is also influential.[314] The Patten Commission understood this when it considered not only the actions of the RUC, but also what it symbolically represented to both sides of the divided society:[315]

> Where a police service operates in part of a country in which virtually all the people share the same constitutional allegiance, no real difficulty arises when the police adopt a name or symbols reflecting that allegiance. But in Northern Ireland, where the constitutional aspirations of the inhabitants conflict, the use of words or symbols

309 Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 86.

310 Ibid.

311 Ibid.

312 Ibid.

313 Ibid., 98.

314 Michael Brogden, "Community Policing as Cherry Pie," in *Policing across the World: Issues for the Twenty-First Century*, ed. Rob I. Mawby (Milton Park, Abingdon-on-Thames, Oxfordshire, United Kingdom: Taylor and Francis, 1999), 167–86, https://ebookcentral.proquest.com/lib/ebook-nps/reader.action?docID=172332.

315 Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 151.

perceived to associate the police with one side of the constitutional argument must inevitably go some way to inhibiting the wholehearted participation in policing of those who espouse the other side of that argument.[316]

The Protestant community in Northern Ireland viewed the RUC as "its police."[317] Throughout the Troubles, unionists saw the police as a bulwark against crime, civil unrest, and especially terrorism.[318] Conversely, Catholic nationalists saw the police as "symbols of oppression."[319] The Patten Commission recognized this divergence and acknowledged the RUC was imbued with the cultural symbolism of the unionist community. The Commission addressed this issue in chapter 17 of the *Patten Report* when it wrote, "Many people in Northern Ireland from the Irish nationalist and republican tradition regard the name, badge and symbols of the Royal Ulster Constabulary as associating the police with the British constitution and state. This contributes to the perception that the police are not their police."[320] The Patten Commission recognized that the name of the RUC, its badge, uniform, along with emblems displayed at police stations, had become politicized and reflected its historical link to the unionist party.[321] It was a form of symbolic oppression acting as a visible reminder to disaffected Catholic minorities of their exclusion and a denial of their cultural identity.[322]

Public perceptions of "ownership" of the police were one of the key areas of contention in the subject of police reform in Northern Ireland.[323] The Patten Commission judged that for police reform to work, build trust, and to achieve a new beginning in the

316 Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 99.

317 Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 153.

318 Cox, Guelke, and Stephen, *A Farewell to Arms?: Beyond the Good Friday Agreement*, 170.

319 Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 2.

320 Ibid., 98–99.

321 Ibid., 99.

322 Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 153.

323 Aogán Mulcahy, *Policing Northern Ireland: Conflict, Legitimacy and Reform*, 1st ed. (Portland, OR: Willan Publishing, 2006), 161.

policing of Northern Ireland, the symbols of the police had to change.[324] The name of the RUC (*Royal* Ulster Constabulary) was itself a reflection of ownership, and was viewed by Catholics as a potent representation of the British sovereignty.[325] This politicization was acknowledged in the *Patten Report*:

> The Problem is that the name of the RUC, and to some extent the badge and the uniform too, have become politicized—one community effectively claiming ownership of the name of "our" police force, and the other community taking the position that the name is symbolic of a relationship between the police and unionism and the British state. The argument about symbols is not an argument about policing, but an argument about the constitution.[326]

The Patten Commission recognized that the name, symbolism, and culture of the RUC marginalized Catholics and contributed to Catholic feelings of secondary status.[327] Conversely, unionists embraced the RUC and unionist opposition to the *Patten Report* was primarily directed at recommendations for change to RUC symbols, emblems, and name.[328] Acknowledging strong unionist loyalty to the RUC, and nationalist calls for change, the Patten Commission recommended the RUC not be disbanded, but the name of the police in Northern Ireland should be changed from the RUC to the Northern Ireland Police Service, which ultimately became the Police Service of Northern Ireland.[329] This change was not only difficult for the unionist community, but organizationally for the RUC, it was "a painful and complex one."[330] Unionist support for the RUC "was so deep as to be proprietorial, and they and many police officers took

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[324] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 99.

[325] Ibid.

[326] Ibid.

[327] Mulcahy, *Policing Northern Ireland: Conflict, Legitimacy and Reform*, 162.

[328] Smyth, "Symbolic Power and Police Legitimacy: The Royal Ulster Constabulary," 295, 303.

[329] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 99.

[330] Joanne Murphy, Sara McDowell, and Maire Braniff, "Historical Dialogue and Memory in Policing Change: The Case of the Police in Northern Ireland," Memory Studies, 2016, 9, doi: 1750698016667454.

this as an affront against the record of the RUC."[331] The government accepted the Patten Commission's recommendation, and on November 4, 2001, the PSNI replaced the RUC as the Northern Ireland police. To assuage unionist concerns that it might be misinterpreted as the disbanding of the RUC, the official title of the police by statute was "the Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary)."[332] In the selection of the new name, the words "Police *Service*" were placed in a position of primacy perhaps not only suggesting the importance of community service, but the importance of placing policing *before* issues of state. In the United States, law enforcement is often referred to generically as the police "force." The Patten reforms and the PSNI provide an example of the power of language in framing discourse.

As significant as the name change was, nowhere was the Catholic perception of symbolic representation of oppression more visible than the physical symbol of the covenant between police and the public, the badge. The RUC badge, hat piece, and emblem consisted of a harp, the symbol of Ireland, topped with a crown. Although overseas the shamrock is often associated as a symbol of Ireland, within Ireland, the harp is most associated with the Irish and even appears on the cover of the Irish passport.[333] The RIC, the predecessor to the RUC, introduced the crowned-harp insignia in 1867.[334] The RIC incorporated the harp from the Order of St. Patrick and reappropriated the emblem, which was a symbol of Irish nationalism at the time.[335] As Graham Ellison and Jim Smyth expressed in *The Crowned Harp: Policing Northern Ireland*, "Ireland's subordinate and loyal place within the United Kingdom was firmly reasserted through the iconography of the RIC insignia. This decision gave a clear signal to nationalist that the harp was subordinate to the crown and countered the increasing use of the harp by nationalist."[336]

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[331] David McKittrick and David McVea, *Making Sense of the Troubles: The Story of the Conflict in Northern Ireland* (London: Penguin Books, 2002), 265.

[332] Cox, Guelke, and Stephen, *A Farewell to Arms? Beyond The Good Friday Agreement*, 174.

[333] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 156.

[334] Ibid., 157.

[335] Ibid.

[336] Ibid., 158.

The Patten Commission recognized the symbolic significance of the crowned harp and recommended a change to reflect Northern Ireland's diversity and political sensitivities.[337] The *Patten Report* recommended, "that the Northern Ireland Police Service adopt a new badge and symbols which are entirely free from any association with either the British or Irish states."[338] In accordance with the *Patten Report's* recommendations, the Northern Ireland Policing Board choose a new badge for the new PSNI incorporating six symbols reflecting both Catholic nationalist and Protestant unionist symbols. The Policing Board chose a badge reflecting, "diversity, inclusiveness and parity."[339] The badge displays the St. Patrick's saltire (a flag emblem representative of Northern Ireland) at its center surrounded by the six symbols: the scales of justice (representing equality and justice), an olive branch (representing peace), a torch (representing enlightenment and new beginning), the crown (representing British sovereignty), the harp (the traditional Irish symbol), and the shamrock (a traditional Irish symbol with associations to St. Patrick).[340] The design and selection of the new PSNI badge was seen as a landmark success and the Policing Board was praised for reaching community consensus on the design.[341] See Figure 3 for both badges.

[337] Ellison, "A Blueprint for Democratic Policing Anywhere in the World?," 251.

[338] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 99.

[339] Francess McDonnell, "Six Symbols Selected for PSNI Badge," *Irish Times*, December 13, 2001, https://www.irishtimes.com/news/six-symbols-for-psni-badge-1.341885.

[340] "Our Badge," Police Service of Northern Ireland, August 7, 2017, http://www.joinpsni.co.uk/the-career/purpose-vision.

[341] McDonnell, "Six Symbols Selected for PSNI Badge."

RUC[342] PSNI[343]

Figure 3. Design and Selection of the New PSNI Badge

The *Patten Report* recommended additional symbolic changes to other aspects of the Northern Ireland police. Subtle changes were made to the PSNI uniform modernizing it in response to concerns expressed by officers that the uniform was outdated.[344] The uniform remained green; however, a lighter less militaristic color of green was selected for the new PSNI uniform. The color green was seen as both symbolic of Ireland and a legacy of the RUC. The *Patten Report* reflected this viewpoint in the commission's recommendation, "We consider it important that the link between the RUC and the new Northern Ireland Police Service be recognized and to this end we recommend that the

[342] Source: Peter Mc, "Officers Cap Badges," Royal Irish Constabulary Forum, 2011, http://irishconstabulary.com/topic/685/Officers-Cap-Badges#.WYh1dNPyuCQ.

[343] Source: Fern Baldwin, "Northern Ireland Police Service Enamelled Cap Badge," Cultman Collectables Forum, 2017, https://www.cultmancollectables.com/products/northern-ireland-police-service-enamelled-cap-badge-0.

[344] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 99.

colour of the current police uniform be retained."[345] In this recommendation, the Patten Commission recognized the importance of respecting the history, traditions, sacrifices, and of thousands of men and women who would continue on in the PSNI, and those who previously served and sacrificed in the RUC. American Defense Secretary Robert Gates in his book, *A Passion For Leadership: Lessons on Change and Reform from Fifty Years of Public Service,* wrote of this type of nuanced care when dealing with the challenges of reform, "The leader's reassurance to them that he intends to make a good organization even better, that in doing so he will be respectful of the traditions and culture of the place, and that he does not plan to plow over their hallowed grounds can pay big dividends."[346] Secretary Gates was writing of reform in academic institutions and the sensitivities of dealing with alumni, but the same applies to police organizations and recognizing their "alumni" and organizational history. The *Patten Report* provides an example in the commission's respectful approach to reforming the RUC.

The *Patten Report* acknowledged that symbols of the British state and the union created an atmosphere uninviting to Catholic community members and potential applicants. In an attempt to create a "neutral working environment, both for police officers and civilians and for members of the public and others visiting police buildings," the *Patten Report* recommended changes to the working environment.[347] The Patten Commission recommended, "that the Union flag should no longer be flown from police buildings."[348] Remaining consistent, the *Patten Report* emphasized that symbolic changes related to flags and emblems did not extend to established RUC memorials at police stations; again, respecting the RUC's "hallowed grounds."

The *Patten Report* reforms related to cultural symbolism and police iconography have application to broader American policing. Law enforcement agencies in the United

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[345] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 99.

[346] Robert M. Gates, *A Passion for Leadership: Lessons on Change and Reform from Fifty Years of Public Service*, 1st ed. (New York: Alfred A. Knopf, 2016), 152.

[347] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 100.

[348] Ibid., 99.

States use badges, shoulder patches, and other emblems to display their municipal, state, or federal affiliations. Oftentimes, police badges or shoulder patches incorporate elements of their local city or government seal. Police emblems serve for not only identification purposes but also serve to display the policing organization's social and legal authority.[349] These symbols convey an unspoken message of legal authority and what it means to those who might resist, a monopoly on the enforcement of laws, and when necessary, the use of force.[350]

American law enforcement must ask what unintended message is also being delivered to the community by American police symbols? The Patten Commission noted, the emblems of the RUC in Northern Ireland had the consequence of "inhibiting the wholehearted participation" of a disaffected portion of the community.[351] In the United States, as in Northern Ireland, policing and what the police represent can serve to welcome segments of the community and disaffect others. Policing is paradoxical in nature; it is a combination of service and enforcement, and may be interpreted differently by different elements of the community.[352] As asserted by Ellison and Smyth, " while policing can promote feelings of belonging and security for some, it can also deny recognition to others, not just at the level of day-to-day policing practices, but also symbolically at the level of culture, and emotionally at the level of 'belonging' to a particular group."[353]

In recent years, efforts have been underway in the United States to remove Confederate monuments and symbols from public settings.[354] The removal of these items

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[349] Charles T. Goodsell, "Bureaucratic Manipulation of Physical Symbols: An Empirical Study," *American Journal of Political Science* 21, no. 1 (1977): 80, doi: 10.2307/2110449.

[350] Ibid.

[351] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 99.

[352] Malcolm Young, "Dressed to Commune, Dressed to Kill: Changing Police Imagery in England and Wales," *Appearance and Power* (1999): 34.

[353] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 152; Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: MIT Press, 1996).

[354] J. Michael Martinez, "State Displays of Confederate Symbols: Legal Challenges and the Political Question Doctrine," *Southeastern Political Review* 25, no. 1 (March 1, 1997): 163–80, doi: 10.1111/j.1747-1346.1997.tb00456.x.

is a contentious issue with some seeing them as monuments and reflections of southern American heritage and others see them as unambiguous representations of racism; a reminder of a time when the African American community was relegated to secondary status.[355] Most recently, on August 12, 2017, white nationalist groups gathered in Charlottesville, Virginia, ostensibly to protest the planned removal of a statue of Confederate general Robert E. Lee. Violence erupted between opposing protest groups ultimately resulting in one death and multiple injuries as a result of racially motivated violence.[356] The Confederate flag was carried and displayed prominently by the white nationalist protesters during the Charlottesville protest and ensuing violence.

Many African-Americans see the Confederate flag as a racist symbol, and state sponsored displays of the flag remain controversial within the African-American community.[357] In the United States, some American police agencies still display the Confederate flag on their police uniforms. Most notably, the Alabama State Police, an organization with over 250 sworn officers, wear the state seal on their uniform patch that displays the Confederate flag.[358] In June 2015, the Huntsville, Alabama, the National Association for the Advancement of Colored People (NAACP) demanded the Alabama State Police remove or replace the Confederate flag on their police patch.[359] Huntsville NAACP representative Rev. Robert Shanklin said, "To be on law enforcement's arm on their sleeve and their car, that to me is more offensive. We're hoping we can get something done about it. It just puzzles me as to why they'll put something like that on a

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[355] Beth Reingold and Richard S. Wike, "Confederate Symbols, Southern Identity, and Racial Attitudes: The Case of the Georgia State Flag," *Social Science Quarterly* (1998): 569.

[356] Sheryl Stolberg and Brian Rosenthal, "Man Charged after White Nationalist Rally in Charlottesville Ends in Deadly Violence," *New York Times*, August 12, 2017, https://www.nytimes.com/2017/08/12/us/charlottesville-protest-white-nationalist.html.

[357] Reingold and Wike. "Confederate Symbols, Southern Identity, and Racial Attitudes: The Case of the Georgia State Flag," 569.

[358] "State of Alabama Law Enforcement Agency," Alabama Law Enforcement Agency, accessed August 13, 2017, http://dps.alabama.gov/Home/Default.aspx.

[359] Howard Koplowitz, "NAACP Wants Confederate Flag Removed from Alabama State Trooper' Uniforms, Squad Cars," Real-Time News from AL.com, July 15, 2015, file:///Users/chdsstudent/Documents/Thesis/Police%20Symbols/NAACP%20wants%20Confederate%20flag%20removed%20from%20Alabama%20state%20troopers'%20uniforms,%20squad%20cars%20_%20AL.com.html.

state troopers' car and on their sleeve. It's so offensive."[360] Reverend Shanklin was expressing views similar to those expressed in Northern Ireland by Catholics regarding divisive RUC symbols. He later suggested the Confederate flag on the patch be replaced with the neutral Alabama state flag and spoke of the pain invoked by this symbol, "Look at how expensive it was for African Americans—The lives that were lost and the hatred and everything that it has caused us over the years and which is still flowing through this land, and especially the south."[361] To date, the Alabama State Police have not removed the Confederate flag from their emblems.[362]

Another small police agency, the Gettysburg, South Dakota Police Department, made national news in 2015 when it refused to change its police patch, which prominently displays the Confederate flag.[363] The department not only released a statement saying it would not change the patch, but, in what could be interpreted as an act of defiance, it changed its department's Facebook profile picture page to a photograph of the patch where it remains to date.[364] See Figure 4 for images of both badges.

[360] Koplowitz, "NAACP Wants Confederate Flag Removed from Alabama State Trooper' Uniforms, Squad Cars."

[361] Ibid.

[362] "State of Alabama Law Enforcement Agency."

[363] Eric Owens, "S.D. Cops to Keep Confederate Flag Badges," Daily Caller, July 15, 2015, http://dailycaller.com/2015/07/16/south-dakota-police-department-will-keep-confederate-flag-festooned-badges/.

[364] Christopher Mathias, "This South Dakota Town Refuses to Take the Confederate Flag off Its Police Uniform," *HuffPost*, July 7, 2015, http://www.huffingtonpost.com/2015/07/16/confederate-flag-police-patch_n_7809176.html; Gettysburg SD Police Department Facebook page, accessed August 13, 2017, https://www.facebook.com/GettysburgSdPoliceDepartment/.

Alabama State Trooper[365]

Gettysburg, South Dakota Police[366]

Figure 4. Alabama State Police and the Gettysburg, South Dakota, Police Patches

The police not only wield statutory power and authority but symbolic power as a social institution and as a representation of government.[367] The Alabama State Police and the Gettysburg, South Dakota, police are just two examples of agencies with the Confederate flag on official agency emblems. Whether as an intentional act or simply a matter of circumstance and shifting cultural norms, the iconography of policing has the ability to alienate segments of the community. The presence of the Confederate flag on police uniforms, especially in the context of recent events, can have a chill effect on police community relations and efforts to build trust. Just as the Patten Commission recognized the crown and harp of the RUC conveyed a message of control in Northern

[365] Source: Wikipedia, s.v. "Alabama highway patrol," last modified October 3, 2017, https://en.wikipedia.org/wiki/Alabama_Highway_Patrol.

[366] Source: Eric Owens, "South Dakota Police Department Will Keep Confederate Flag Festooned Badges," Daily Caller, July 16, 2015, http://dailycaller.com/2015/07/16/south-dakota-police-department-will-keep-confederate-flag-festooned-badges/.

[367] Ian Loader, "Policing and the Social: Questions of Symbolic Power," *British Journal of Sociology* 48, no. 1 (1997): 4, doi: 10.2307/591907.

Ireland, American police reform must recognize the power of symbolism to convey exclusion.

In 2016, the Salinas Police Department transitioned to a new police badge as part of its uniform. In this shift to a new badge, and in contrast to the PSNI badge change, the Salinas Police Department may have unintentionally moved away from what some might see as positive unifying symbolism. As seen in Figure 5, the original badge was a typical seven-pointed star that had a unique centerpiece that incorporated an image from the City of Salinas seal. The centerpiece depicts a perspective looking east to the sun rising promisingly over the Gabilan Mountains and casting rays of morning light over fertile Salinas Valley agricultural fields. The new replacement badge is also a seven-pointed star but with the centerpiece image removed and replaced with the officer's badge number.

Original Salinas Police Badge New Salinas Police Badge

Figure 5. Original and New Salinas Police Department Badge from the Author's Personal Collection

Agriculture is the main industry in the City of Salinas and the city has a large migrant worker population who labor in the fields. The city's overall population is almost 78% Hispanic and the field labor force almost exclusively Hispanic, Spanish speaking, and immigrant workers. Hispanic immigrants sometimes face unique challenges in building trust with the police.[368] Ronald Weitzer and Steven A. Tuch assert in *Race and Policing in America; Conflict and Reform* that these obstacles are primarily "language and cultural barriers, fear of deportation among illegal immigrants, and an ingrained suspicion of police imported from immigrants' home countries, where police are often thoroughly corrupt or a paramilitary arm of an oppressive regime."[369]

Policing is a collaborative endeavor that is not just a police responsibility but also the responsibility of the entire community. In the Salinas Police Department's transition to a new police badge, and the removal of the emblem centerpiece, the Department may have effectively removed what some might view as a symbol of trust, unity, and common purpose. The fertile valley depiction transcended language and cultural barriers and placed at the center of the badge a literal and symbolic depiction of common ground: agriculture.

The *Patten Report* recognized the importance of police symbols, emblems, and iconography. In Salinas and other American policing efforts, these symbols can be used to represent parity and unity or division and exclusion. As demonstrated by the police reforms in Northern Ireland, the use, destruction, or removal of symbols in policing reform can be as impactful as their development and implementation.[370]

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[368] Weitzer and Tuch, *Race and Policing in America: Conflict and Reform*, 6.

[369] Ibid., 6–7.

[370] Ellison and Smyth, *The Crowned Harp: Policing Northern Ireland*, 156.

V. CONTEMPORARY POLICE REFORM EFFORTS: THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

> When any part of the American family does not feel like it is being treated fairly, that's a problem for all of us.
>
> ~ President Barack Obama

A. ORIGINS

American policing has faced unprecedented challenges in recent years and is at a pivotal point in its evolution.[371] A series of high profile police related deaths of African American men and the media's focus on these events have called into question the current state of American policing.[372] The police in Northern Ireland similarly faced an erosion of trust and legitimacy during the troubles culminating in the Independent Commission on Policing for Northern Ireland and the *Patten Report*. Although clearly different circumstances, just as in Northern Ireland during the Troubles, trust in American policing and feelings of police legitimacy have been eroded. Events in the United States have brought about considerable public scrutiny and debate focused on trust, policing practices, and professionalism in the United States.[373]

Social activists, critics, and the media have made broad allegations about the police and police conduct. Many of these groups have drawn correlations between distant events that have occurred in a condensed period of time suggesting an underlying commonality.[374] Each event builds upon previous incidents in a type of metastasizing outrage. National media coverage of questionable police incidents has also impacted perceptions of the police in distant communities nationwide in what Ronald Weitzer

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[371] Ronald L. Davis, "Keynote Address at the Southern Illinois University School of Law and School of Medicine Symposium: The President's Task Force on 21st Century Policing: Procedural Justice, Policing, and Public Health," *S. Ill. ULJ* 40 (2015): 421.

[372] Kevin P. Morison, *Hiring for the 21st Century Law Enforcement Officer: Challenges, Opportunities, and Strategies for Success* (Washington, DC: Office of Community Oriented Policing Services, 2017), v, http://digitalcommons.cedarville.edu/cgi/viewcontent.cgi?article=1189&context=history_and_government_presentations.

[373] Ibid.

[374] Weitzer, "American Policing Under Fire: Misconduct and Reform," 475.

describes as "contamination-by-association."[375] Weitzer points out that each incident has a cumulative effect building on and adding to previous incidents, "with each incident pollinating subsequent ones—in part because activists and the media are drawing connections between them."[376] Government has also drawn connections between these events, and has seen the need to address concerns and respond to public outcry culminating in the creation of President's Task Force, which in itself reinforces public perception that police reform is needed.

President Barack Obama established the President's Task Force by Executive Order on December 18, 2014.[377] The President's Task Force was created to strengthen trust between the police and the public and to reinforce community policing in the wake of national policing scrutiny.[378] In light of national law enforcement controversies, the Obama Administration recognized "the need for and importance of lasting collaborative relationships between local police and the public."[379] Citing the "urgency of these issues," the President's Task Force was allotted 90 days to evaluate law enforcement best practices and propose recommendations to build trust and improve crime reduction.[380]

The 11-member task force met seven times and held a series of listening sessions in early 2015.[381] The group met with over 100 representatives of various law enforcement and civic stakeholders in Washington, DC, Cincinnati, Ohio, and Phoenix, Arizona.[382] In addition, the President's Task Force received and reviewed written

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375 Weitzer, "American Policing Under Fire: Misconduct and Reform," 475.

376 Ibid.

377 Department of Justice, *Community Oriented Policing Services; Public Teleconference with the President's Task Force on 21st Century Policing Discussing Final Report* (Washington, DC: Federal Register, 2015), https://www.federalregister.gov/documents/2015/03/12/2015-05655/community-oriented-policing-services-public-teleconference-with-the-presidents-task-force-on-21st.

378 Ibid.

379 Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, III.

380 Ibid.

381 Ibid.

382 Ibid., 1.

testimony from other community partners providing perspective from many disciplines.[383]

The *President's Task Force Report* was published in May 2015.[384] The report focused on six thematic areas or "pillars":

- building trust and legitimacy
- policy and oversight
- technology and social media
- community policing and crime reduction
- officer training and education
- officer safety and wellness[385]

The committee also proffered two all-encompassing recommendations:

> The President should support the creation of a National Crime and Justice Task force to examine all areas of criminal justice and propose reforms; as a corollary to this effort, the task force also recommends that the President support programs that take a comprehensive and inclusive look at community-based initiatives addressing core issues such as poverty, education, and health and safety.[386]

In these two overarching recommendations, the President's Task Force recognized broader criminal justice and social issues must be addressed that go beyond its mandate, but nonetheless, have a substantial influence on policing in the 21st century. These

[383] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 1.

[384] Ben Gorban and John Firman, "How State and Local Law Enforcement Leaders Are Responding to the President's Task Force on 21st Century Policing Report," *Police Chief* 83, no. 3 (2016): 22, http://libproxy.nps.edu/login?url=https://search.proquest.com/docview/1802585495?accountid=12702.

[385] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*.

[386] Ibid., 1.

deeper issues address the root cause of perceptions of police illegitimacy and societal and legal estrangement.[387]

B. RECEPTION

The *President's Task Force Report* was created to build trust, bolster community policing, and emphasize the need for sustainable community and police collaborative relationships.[388] The *President's Task Force Report* made 59 recommendations and 92 action items.[389] Many of the report's recommendations were dedicated to encouraging federal government support for state and local law enforcement implementation as a means of achieving this end.[390] President Obama spoke of his view of the federal government's role at a press conference following the release of the *President's Task Force Report* and a series of gatherings with law enforcement:

> So I want not only to encourage all of you to implement the Task Force recommendations in ways that are tailored to your community and your needs, but I also want you to share with us things that you think work that can make a difference because our job really is as a convener. The Federal Government is not responsible for day-to-day policing of our communities, but we do have the ability to project best practices and let people share what they've seen that works.[391]

President Obama not only encouraged implementation, but he recognized the unique cultural differences and challenges throughout the country and stressed the federal government's role as a facilitator of policing best practices.

The *President's Task Force Report* was well received by the nation's major cities leadership. Each year, the chief elected official or mayor of municipalities with

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387 Bell, "Police Reform and the Dismantling of Legal Estrangement," 2066.

388 Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, iii.

389 Major Cities Chiefs Association, *Discussions on the President's Task Force on 21st Century Policing: How Police Agencies Are Implementing the Recommendations, Police Agencies' Reactions to the Recommendations, and the Value of Understanding Historical Context* (Washington, DC: Office of Community Oriented Policing Services, 2016), 1, https://ric-zai-inc.com/Publications/cops-p352-pub.pdf.

390 Ibid.

391 Barack Obama, *Remarks at a Briefing on Implementation of the Recommendations of the President's Task Force on 21st-Century Policing* (Washington, DC: Government Printing Office, 2016), https://search.proquest.com/docview/1814054792/83D02F22CF914335PQ/1?accountid=12702.

populations over 30,000 gather for the U.S. Conference of Mayors, an official non-partisan organization.[392] At the Spring 2015 conference, organization president Sacramento Mayor Kevin Johnson endorsed the report in an official statement, "The President's Task Force on 21st Century Policing has produced an excellent report and set of recommendation on a difficult topic in a short period of time. We urge the Administration, mayors and their police departments, state and local law enforcement agencies to move quickly to implement its recommendations."[393] In addition to supporting the report, Mayor Johnson also spoke of citizens who died in high-profile incidents with police, and police officers killed. Mayor Johnson added, "The nation must learn from these painful experiences and do everything possible to prevent them from happening again."[394] Mayor Johnson stressed that implementing the President's Task Force recommendations would get the nation closer to achieving that goal.[395]

The *President's Task Force Report* was also well received by the nation's police chiefs. Police chiefs and their organizations examined the report and evaluated its implications for their state and local law enforcement agencies and the community.[396] Some police agencies encouraged employees to read and discuss the report, some conducted in-depth analysis of the reports tenets, and others incorporated elements into their long-term strategic planning.[397] Twenty-five law enforcement associations around the country took specific action to review, identify key points to address, and encourage implementation of practices based on recommendations.[398] Ben Gorban and John Firman of the IACP, the U.S. police chief association and think-tank, promoted the *President's Task Force Report* in a 2016 article in *The Police Chief Magazine*. Gorban and Firman

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[392] "U.S. Conference of Mayors President Sacramento Mayor Kevin Johnson Congratulates President Obama's Task Force on 21st Century Community Policing: Urges Quick Implementation of Report's Recommendations," U.S. Newswire, accessed September 12, 2017. https://search.proquest.com/docview/1659760907/83D02F22CF914335PQ/2?accountid=12702.

[393] Ibid.

[394] Ibid.

[395] Ibid.

[396] Gorban and Firman, "How State and Local Law Enforcement Leaders Are Responding to the President's Task Force on 21st Century Policing Report," 23.

[397] Ibid.

[398] Ibid., 24.

wrote, "the message and content of the task force report speaks to every federal, state, local, and tribal law enforcement agency in the United States." The IACP article further stressed the association's hope that the *President's Task Force Report* would be a model for "constructive dialogue" with American communities.[399]

C. COMPARISON WITH THE *PATTEN REPORT*

Police chiefs throughout the nation's major cities evaluated the *President's Task Force Report* recommendations and their potential impact. The ODJ COPS Office described the intent of the *President's Task Force Report* in their publication, *Discussions on the President's Task Force on 21st Century Policing*. The COPS report asserted that the *President's Task Force Report*, "is meant to be a guide for improving policing in the United States."[400] Many agency heads agree the report is not necessarily a ridged framework for mandated reform, but a "living document" that can continue to be improved and built upon.[401] In contrast, the *Patten Report* was commissioned as a condition of the 1998 Good Friday Peace Agreement and *was* a mandate for police reform in Northern Ireland.[402] The *Patten Report* is now also seen as a successful model of viable police reform for law enforcement in Western democracies.[403] The *Patten Report* has similarities to the *Final Task Force Report* and both reports address common areas of recommended reform.

The *President's Task Force Report* opens with remarks stressing the importance of building trust between the police and the public they serve.[404] The report's opening language maintains, "It [trust] is key to the stability of our communities, the integrity of

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399 Gorban and Firman, "How State and Local Law Enforcement Leaders Are Responding to the President's Task Force on 21st Century Policing Report," 23.

400 Major Cities Chiefs Association, *Discussions on the President's Task Force on 21st Century Policing: How Police Agencies Are Implementing the Recommendations, Police Agencies' Reactions to the Recommendations, and the Value of Understanding Historical Context*, 1.

401 Ibid., 5.

402 Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 1.

403 Bayley, "Police Reform as Foreign Policy," 206–15.

404 Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*.

our criminal justice system, and the safe and effective delivery of policing services."[405] Similarly, the *Patten Report* opens with a call for unity and for the police and public to work in an equal partnership based on trust. The *Patten Report* begins by asserting, "policing is a matter for the whole community, not something that the community leaves to the police to do. Policing should be a collective community responsibility: a partnership for community safety."[406] Both the *President's Task Force Report* and the *Patten Report* call for a shift from policing the community to policing *with* the community. The reports share a common philosophical thread as their foundation; an equal partnership based on trust and legitimacy.

1. Pillar 1: Building Trust and Legitimacy

The first pillar of the *President's Task Force Report* is a call for developing trust and legitimacy. The President's Task Force asserts in the report that, "Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have the legitimate authority to tell them what to do. But the public confers legitimacy only on those they believe are acting in procedurally just ways."[407]

A strong and positive relationship is a product of trust and legitimacy, and is nurtured through the four key principles of procedural justice: fairness, voice, transparency, and impartiality.[408]

One of the President's Task Force's key recommendations in attaining the goal of building trust and legitimacy is abandoning the "warrior" mindset and embracing the "guardian mindset."[409] In the report, the President's Task Force argues, "Law enforcement cannot build community trust if it is seen as an occupying force coming in

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[405] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 5.

[406] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 8.

[407] Ibid., 9–10.

[408] Ibid., 10.

[409] Ibid., 11.

from the outside to rule and control the community."[410] In this passage, the President's Task Force calls attention to the perceptions of militarization, aggressive policing, and the police as outsiders coming in to disaffected communities. References to perceptions of the police as an "occupying force" appear throughout the *President's Task Force Report*. The report recommends American policing work to better reflect the community and embrace guardianship to build trust and legitimacy with the community.[411]

The *Patten Report* recognized similar issues of the police as an occupying force in Northern Ireland. The *Patten Report* established early on that Northern Ireland was a divided community with one side seeing the police as maintaining order and the other disaffected community seeing them as "symbols of oppression."[412] The *Patten Report* also calls for a move to the police as guardians and servants of the community.[413] In addressing the importance of this move, the report argues,

> It is not so much that the police need support and consent, but rather that policing is a matter for the whole community, not something that the community leaves to the police to do. Policing should be a collective community responsibility: a partnership for community safety. This sort of policing is more difficult than policing the community. It requires an end to 'us' and 'them' concepts of policing.[414]

Here, similar to the *President's Task Force Report*, the *Patten Report* speaks to the challenges of the police as outsiders and the need for law enforcement not only to be guardians of the community, but part of the community so they no longer see the public they serve as the other.

The *Patten Report* provided recommendations for building trust and legitimacy, and building a partnership with the community for the newly formed PSNI. The report addresses recommendations related to accountability, oversight, transparency, recruitment, cultural symbolism, and human rights. Each of these recommendations for

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[410] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 11.

[411] Ibid., 11–12.

[412] Ibid., 2.

[413] Ibid., 8.

[414] Ibid.

reform is focused on building trust and not only shifting perceptions of the police, but also, more importantly, changing officers' mindset to one of guardianship.

2. Pillar 2: Policy and Oversight

Pillar two of the *President's Task Force Report* addresses the need for law enforcement agencies to develop comprehensive policies and oversight. The *President's Task Force Report* emphasizes if police are to build trust they must perform their duties in accordance with clear established policies and procedures based on community values.[415] The *President's Task Force Report* specifically states, "These policies must be clear, concise, and openly available for public inspection."[416] In this recommendation, the President's Task Force emphasizes the importance of making policies and procedures available for public scrutiny as a means of accountability and transparency. The *President's Task Force Report* illustrates that the goal is, "so police will have credibility with residents and the people can have faith that their guardians are always acting in their best interests." The suggestion is transparency will ensure policies and procedures remain in the best interests of the public and not the police.

Likewise, robust transparency and accountability is a fundamental underpinning of the *Patten Report*. The *Patten Report* not only recognizes accountability as an important managerial aspect of reform, but also goes farther than the *President's Task Force Report* in emphasizing accountability in police culture. In a chapter of the *Patten Report* dedicated specifically to accountability, the Commission asserts, "Accountability should run through the bloodstream of the whole body of a police service and it is at least as much a matter of the culture and ethos of the service as it is of the institutional mechanisms described in this chapter."[417] This passage illustrates that accountability is not only a policy issue, but also an overall issue of cultural philosophy that must be addressed for reform to succeed. The *President's Task Force Report* also stresses this

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[415] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 19.

[416] Ibid., 20.

[417] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 22.

point in a passage addressing a well-known expression in American law enforcement, "Organizational culture eats policy for lunch."[418] The President's Task Force continues to assert, "Any law enforcement organization can make great rules and policies that emphasize the guardian role, but if policies conflict with the existing culture, the policies will not be institutionalized and behavior will not change."[419] The *Patten Report* underpins all its recommendations with internal and external accountability focused on a cultural change and public oversight and consent.

The *Patten Report* describes effective policing as requiring this public consent throughout the community.[420] This consent is not unconditional, but is dependent on trust in the police built upon proper accountability. The *Patten Report* proposes reforms based on the foundation that the police should be held answerable through "subordinate or obedient" and "explanatory and cooperative" accountability.[421] The *Patten Report's* two-pronged approach to accountability proposes reforms to policies and procedures holding police accountable, but also reforms addressing public oversight and guidance.

In pillar two, the *President's Task Force Report* calls for civilian oversight of American policing as a means of strengthening community trust. The President's Task Force provides a recommendation that states, "Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community…We must examine civilian oversight in the communities where it operates and determine which models are successful in promoting police and community understanding."[422] The President's Task Force offers a broad recommendation for civilian oversight, and calls for further research into civilian oversight mechanisms. In contrast, the *Patten Report* delves deeply into specific recommendations for subordinate

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[418] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 11.

[419] Ibid., 12.

[420] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 22.

[421] Ibid.

[422] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 26.

and obedient and explanatory and cooperative accountability via civilian review and provides recommended structures in the form of a Policing Board and District Policing Partnership Boards.

3. Pillar 3: Technology and Social Media

The third pillar of the *President's Task Force Report* calls for guidelines, implementation, and use of information technology built on structured policy that clearly defines its purpose and goals.[423] The President's Task Force proposes information technology implementation as a conduit between the police and the public providing two-way communication of expectations of accountability and constitutional privacy concerns.[424] Additionally, the *President's Task Force Report* demonstrates technology and social media can be used as a means of promoting trust and legitimacy, "Social media is a communication tool the police can use to engage the community on issues of importance to both and to gauge community sentiment regarding agency policies and practices."[425] In this passage, the President's Task Force identifies social media as a tool to build trust by means of police transparency.

The *Patten Report* also dedicates a chapter to information technology and the challenges faced by the police in Northern Ireland. The *Patten Report* was released in September 1999, and at the time of their inquiry, information technology presented a considerably different set of challenges. Social media was not a consideration in the late 1990s; however, the *Patten Report* chapter on information technology opens with a powerful statement, "Information technology (IT) is fundamental to modern policing."[426] This statement remains true today in the age of social media and the Patten Commission recognized structures needed to be in place to build a framework for the future of

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[423] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 31.

[424] Ibid.

[425] Ibid., 32.

[426] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 65.

policing in Northern Ireland. The Commission's recommendations focus on improving availability of computers and access to modern database systems by late 1990s standards.

In contrast the *President's Task Force Report*, released in 2015, proves more valuable as a modern assessment of information technology implementation in American policing. While promoting the importance of information technology and social media, the President's Task Force also advises caution, "While technology is crucial to law enforcement, it is never a panacea. Its acquisition and use can have unintended consequences for both the organization and the community it serves, which may limit its potential."[427] The President's Task Force recognized organizations implementing technological systems must have policies that guide use and identify concerns within the community. Unlike the *Patten Report*, the *President's Task Force Report* provides recommendations focused on implementation, use, and community engagement.

4. Pillar 4: Community Policing and Crime Reduction

Pillar four focuses on community engagement and the overarching philosophy of community policing. The President's Task Force stresses the need for American law enforcement to work with community members to recognize problems in the community and form collaborative efforts focused on sustainable solutions.[428] The *President's Task Force Report* explains,

> Community policing combines a focus on intervention and prevention through problem solving with building collaborative partnerships between law enforcement agencies and schools, social service, and other stakeholders. In this way, community policing not only improves public safety but also enhances social connectivity and economic strength, which increases community resilience to crime.[429]

In this passage, the President's Task Force emphasizes the importance of community involvement in problem solving and how it is a critical component to long-term crime prevention. Furthermore, the President's Task Force report holds that the

[427] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 33.

[428] Ibid., 41.

[429] Ibid.

public must believe their best interests and safety are at the core of police activities and states, "It is critical to help community members see police as allies rather than as an occupying force and to work in concert with other community stakeholders to create more economically and socially stable neighborhoods."[430] In providing this guidance, the President's Task Force emphasizes both the important community policing principles of building trust and legitimacy, and addressing the deeper social and economic causes of neighborhood crime.

Community policing is also a crucial component of the *Patten Report* with a focus on policing a post-conflict divided community. The Patten Commission clearly faced unique challenges in Northern Ireland; however, both the Patten reforms and the *President's Task Force Report* address the challenges of community policing and building trust in disaffected communities. The *Patten Report's* chapter on community policing entitled "Policing with the Community," begins with a clear statement defining community policing in Northern Ireland as, "the police working in partnership with the community; the community thereby participating in its own policing; and the two working together, mobilizing resources to solve problems affecting public safety over the longer term rather than the police, alone, reacting short term to incidents as they occur."[431] In language similar to that later found in the *President's Task Force Report*, the Patten Commission calls for similar solutions involving police community partnership, problem solving, and long-term sustainable solutions.

The *President's Task Force Report* provides broad policy guidance focused on encouraging greater police community collaboration as opposed to specific recommendations. Throughout the report, the majority of the *President's Task Force Report* recommendations are focused predominantly on policy and procedures.[432] At a 2016 gathering of the Major Cities Chiefs Association discussion of the *President's Task*

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[430] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 42.

[431] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*.

[432] Julian A. Cook III, "Police Culture in the Twenty-First Century: A Critique of the President's Task Force's Final Report," *91 Notre Dame L. Rev. Online*, 2015, 107.

Force Report, the participants pointed out that the *President's Task Force Report* was not specific about the role of the public in community policing efforts.[433] In contrast, the *Patten Report* does address specific recommendations for community involvement. The *Patten Report*, for example, speaks to the role clergy and faith-based groups can play in the police community partnership.[434] Additionally, the Patten Commission makes specific recommendations for the role of businesses, unions, lawyers, and volunteer groups in the formation of the Policing Board and calls for close work with schools, housing, and social service groups and others.[435]

Another area of divergence between the *Patten Report* and the *President's Task Force Report* is in the area of youth crime and its consideration in community policing. The *Patten Report* makes little mention of youth crime and does not specifically consider young people in its reforms despite the fact they became an important aspect of policing following the 1998 peace agreement.[436] Many young people in Northern Ireland viewed the police negatively in both nationalist and unionist communities based on their firsthand experiences interacting with police, their social backgrounds, and environmental factors.[437] Oftentimes, high-crime communities requiring increased and aggressive policing to impact crime may experience friction with police causing tension.[438] Young people in Northern Ireland were suspicious of the police based on poor firsthand experiences in heavily policed neighborhoods and held negative opinions of law enforcement.[439]

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[433] Major Cities Chiefs Association, *Discussions on the President's Task Force on 21st Century Policing: How Police Agencies Are Implementing the Recommendations, Police Agencies' Reactions to the Recommendations, and the Value of Understanding Historical Context*, 28.

[434] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 41.

[435] Ibid., 29–30.

[436] Byrne and Jarman, "Ten Years after Patten: Young People and Policing in Northern Ireland," 434–435.

[437] Ibid.

[438] Adegbile, "Policing Through an American Prism," 2235.

[439] Byrne and Jarman, "Ten Years after Patten: Young People and Policing in Northern Ireland," 437.

The *President's Task Force Report* recognized the important role of building trust with the nation's youth as a component of community policing. Pillar four of the *President's Task Force Report* proposes, "Communities should support a culture and practice of policing that reflects the values of protection and promotion of dignity of all—especially the most vulnerable, such as children and youth most at risk for crime or violence."[440] The *President's Task Force Report* calls on police to reduce aggressive crime prevention tactics that "stigmatize youth" and can leave them marginalized.[441] The report proposes recommendations and specific action items addressing youth engagement, the needs of at risk youth, avoiding steering youth toward the juvenile justice system, and working with schools to develop alternative disciplines as part of an overall community policing strategy.[442]

5. Pillar 5: Training and Education

Pillar five of the *President's Task Force Report* addresses the challenges and importance of officer training and education. As policing's role in the community grows, so too does the need for improved education and training in law enforcement.[443] Policy, procedures, and training are key areas of discussion throughout the *President's Task Force Report* and are not mutually exclusive. The Major Cities Chiefs Association *Discussions on the President's Task Force on 21st Century Policing* maintains, "An agency can establish the best possible policies, but the policies' impact will be limited if the agency does not provide proper training."[444] In this statement addressing pillar five, the Major Cities Chief Association recognizes training and education and its importance in supporting good policy implementation and its influence on policing organizations. Pillar five provides policy recommendations and action items focused on guidance for

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[440] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 3.

[441] Ibid.

[442] Ibid., 46–50.

[443] Ibid., 51.

[444] Major Cities Chiefs Association, *Discussions on the President's Task Force on 21st Century Policing: How Police Agencies Are Implementing the Recommendations, Police Agencies' Reactions to the Recommendations, and the Value of Understanding Historical Context*, 31.

communities to establish criteria for hiring, training, and education, including hiring officers who reflect diverse communities, basic entry-level recruit training, and continuing extensive ongoing professional education and training.[445]

The *President's Task Force Report* particularly calls for partnerships with civilian academic institutions.[446] The report stresses the importance of community involvement in officer education and training and calls for police training "to be as transparent as possible" resulting in a more informed community and police.[447] In support of this recommendation, the *President's Task Force Report* specifically calls for the DOJ to partner with academic institution to establish a postgraduate institute of policing:

> Modeled after the Naval Postgraduate School in Monterey, California … staffed with subject matter experts and instructors drawn from the nation's top educational institutions, who will focus on the real world problems that challenge today's and tomorrow's law enforcement, teaching practical skills and providing the most current information for improving policing services throughout the nation.[448]

The *President's Task Force Report* proposed this postgraduate institution as a means to provide leadership training and research as well as to enhance overall law enforcement knowledge.[449]

The *Patten Report* also recognized and made recommendations for improvements in law enforcement training and education for the PSNI as part of its sweeping transformation and reform in Northern Ireland.[450] Similar to the *President's Task Force Report*, the *Patten Report* recognized the importance of training in supporting this change, "The training, education and development of police officers and civilian staff

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[445] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 51.

[446] Ibid., 54.

[447] Ibid.

[448] Ibid., 55.

[449] Ibid.

[450] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 91.

will be critical to the success of the transformation."[451] The Patten Commission acknowledged policy change alone would not be sufficient for change and would require training to promote adaptive change in the organization; reforms cannot simply be implemented, they must be learned.[452] As part of this strategy, the *Patten Report* made a similar recommendation for a "new police college" and training facility to be built for the PSNI. Although not a postgraduate institution, the recommendation specifically called for the facility to be built separate from existing law enforcement grounds but ideally located for links with established civilian colleges.[453]

Similar to the *President's Task Force Report*, the *Patten Report* also focused on hiring, training, and on-going education but had an overall strategy committed to human rights, internal and external accountability, and shared responsibility with the community.[454] As a means of furthering the shared relationship with the community, the *Patten Report* recommended the police use civilian trainers and educators whenever appropriate and conduct training on university campus when possible.[455] The *Patten Report* specifically recommended community and civilian influence in recruit training and called for

> civilian instructors to be employed, or brought in as necessary, to conduct as many elements of the training programme as possible. We further recommend that some modules of recruit training should be contracted out to universities and delivered on university premises, ideally together with non-police students; instruction in constitutional matters, human rights, and aspects of the criminal justice system.[456]

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[451] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 91.

[452] Bayley, "Police Reform as Foreign Policy," 210–211.

[453] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 92.

[454] Bayley, "Police Reform as Foreign Policy," 208.

[455] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 93.

[456] Ibid.

In this recommendation, the Patten Commission promotes policing in partnership with the community, a cultural shift toward community integration, and the importance of transparency in police training and education.

Transparency was of paramount importance to the Patten Commission and the *Patten Report* provided specific recommendations regarding transparency in police training and education. The *Patten Report* not only went further than the *President's Task Force Report* and recommended the posting of policies on the Internet, but training curricula as well.[457] The Patten Commission also proposed, "that some training sessions should be open to members of the public to attend, upon application, priority being given to members of the Policing Board or District Policing Partnership Boards, Lay Visitors, or other bodies, statutory or non-governmental, involved in working with the police."[458] This recommendation, and others proposed in pillar five, are in keeping with the *Patten Report's* objective of police reform in Northern Ireland, "that is accountable, responsive, communicative and transparent; a new policing style based on partnerships with the community."[459]

6. Pillar 6: Officer Safety and Wellness

Pillar six of the *President's Task Force Report* addresses the importance of officer wellness and safety. The *President's Task Force Report* asserts, "The wellness and safety of law enforcement officers is critical not only to themselves, their colleagues, and their agencies but also to public safety."[460] Many police agencies deal with officers who suffer mental, physical and emotional issues that impact their lives and how they interact with the public.[461] Tracey Meares, President's Task Force member and Yale Law School Professor, illustrated this point during an officer safety and wellness listening session

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[457] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 96.

[458] Ibid.

[459] Ibid., 91.

[460] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 61.

[461] Ibid.

when she observed, "Hurt people can hurt people."[462] Meares was speaking to her belief that officers with unaddressed physical or emotional injuries may not be performing in the public's best interests.

Pillar six provides recommendations for addressing strategies related to officers' overall wellbeing. The *President's Task Force Report* speaks to issues related to officers' poor heath due to lack of sleep, poor eating practices, and substance abuse.[463] Additionally, the report recognizes officer injuries and deaths related to vehicle collisions, suicide, and violent assaults.[464] The *President's Task Force Report* recommendations in pillar six are primarily focused on federal government support of wellness programs. The report also speaks to the recurring theme of organizational culture and argues, "Support for wellness and safety should permeate all practices and be expressed through changes in procedures, requirements, attitudes, and behaviors."[465] In this assertion, the President's Task Force stresses the importance of adaptive change and not just policy implementation to ensure success.

In contrast to the *President's Task Force Report*, the *Patten Report* does not delve deeply into reforms specifically addressing officer safety and wellness. In a *Patten Report* section entitled, "Management and Personnel," the report does recognize the health implications to officers due to the stress and inherent danger of police work; however, recommendations are focused on managerial efforts to reduce sick time.[466] The report also references high numbers of officers on restricted duties and recommends policy changes for management of long-term sick time use and medical retirement.[467]

Police in Northern Ireland at the time of the Patten Commission reforms faced unique circumstances related to security issues and terrorism not faced by agencies in the

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[462] Office of Community Oriented Policing Services, *Office of Community Oriented Policing Services, Final Report of the President's Task Force on 21st Century Policing*, 61.

[463] Ibid., 62.

[464] Ibid.

[465] Ibid.

[466] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 61.

[467] Ibid.

United States. The *Patten Report* does address the wellness of officers who suffered injuries as a result of terrorist attacks during the Troubles and recommends funding for injured officers, their families, and the spouses of officers killed in the line of duty.[468] In this regard, the *Patten Report* speaks to the organizational impact caring for officers can have on wellness and morale.

In comparison to the *Patten Report*, the *President's Task Force Report* provides a more modern and progressive approach to officer wellness and safety. Although both reports acknowledge the important policy and managerial issues involved, the *President's Task Force Report* more significantly recognizes the implications to the officers, organization, and community.

D. FINDINGS, RECOMMENDATIONS, AND CONCLUSION

Upon its publication and release in May of 2015, the *President's Task Force Report* met with a positive response from police chiefs and major city leaders. The President's Task Force was brought together in response to significant national policing events and was formed to bolster community policing and build trust between the nation's police officers and the public they serve. Trust and the establishment of legitimacy are essential to successful policing in a democracy and the *President's Task Force Report* provides guidelines and recommendations focused on this goal.

The *Patten Report* was published in September 1999 as a condition of the 1998 Good Friday Peace Agreement. Much like the President's Task Force, the Patten Commission was also formed in an attempt to build trust between the police and disaffected communities, although in Northern Ireland under the shadow of a much deeper divide. Unlike the *President's Task Force Report*, the *Patten Report* was a mandate for police reform in Northern Ireland and is now seen as a successful model of viable police reform for law enforcement in Western democracies.

[468] Patten, *A New Beginning: The Report of the Independent Commission on Policing for Northern Ireland*, 62.

1. Findings and Recommendations

The *Patten Report* addresses policing reform recommendations in Northern Ireland related to accountability, oversight, transparency, recruitment, cultural symbolism, and human rights. Each of these recommendations for reform is focused on building trust and establishing legitimacy. The following recommendations are presented not only with a focus on shifting perceptions of the American police, but also, more importantly, changing officers' mindset to one of guardianship and shared responsibility with the public they serve.

Recommendation #1: The Patten Commission recommends greater transparency in the police service in terms of explanatory and cooperative accountability with the public. The Salinas Police Department policy manual is not available on the Internet and requires a formal request through the city government that, in some cases, can take weeks and involve a processing fee. This formal request complicates the process for community members who wish to review the policies guiding the actions of *their* police and may be seen as an obstruction to the building of trust. The Salinas Police Department and other American law enforcement agencies should post their department policies and procedures on line and make them publicly accessible. Transparency is an open, community-based, form of accountability, and as described in the *Patten Report*, it should be based on the public interest and not the police interest.

Recommendation #2: Transparency in the form of subordinate and obedient accountability is a fundamental underpinning of the *Patten Report*. The Salinas Police Department and American law enforcement agencies should evaluate the efficacy of establishing community policing boards and look for examples as recommended by the *President's Task Force Report*. The *Patten Report* provides a recommended model in its example of a Policing Board and District Policing Partnership Board. Law enforcement, and specifically the Salinas Police Department, should *consider* a restructured and amalgamated form of both boards recommended in the *Patten Report* with less emphasis on the political structure of the board's makeup and a greater attention on working closely with consumers of police services in the community. The Salinas PCAC could provide a framework for the establishment of a Salinas Community Policing Board as a

mechanism for greater community oversight, accountability, and as a conduit to the community.

Recommendation #3: Following the Patten Commission recommendation and its example for policing in Northern Ireland, law enforcement agencies and the Salinas Police Department should devolve greater authority to area commanders or equivalent rank. Agencies should empower area commanders to work more closely with community groups in their specific area of authority and in a more decentralized command structure. Policing is a shared partnership and a collective responsibility between the police and the public. The *President's Task Force Report* also stressed the importance of community members seeing police as allies and working with them focused on public safety. Police command level leadership should be encouraged, and provided the authority to work collectively with community groups in their areas of responsibility. Salinas Police Department commanders should work more closely with the PCAC in its current form or in a future incarnation based on a Community Policing Board structure derived from the *Patten Report* recommendations.

Recommendation #4: Both the *Patten Report* and the *President's Task Force Report* recognized the need for more effective training and education in policing. The Salinas Police Department and American law enforcement should consider placing greater emphasis on on-going police officer education verses prescriptive training. Law enforcement should focus on training related to problem-solving skills (including during violent confrontations), human rights, and community involvement. Greater value and emphasis should be placed on these tenets not only in terms of training but also as a means of imbuing the organizational culture and ethos with the importance of human rights and community involvement.

Recommendation #5: The Salinas Police Department and other law enforcement agencies should also place increased value on formal education in their promotion process and leadership selections. Greater emphasis should be placed on formal education as a means of developing a more educated, professional, and community conscious workforce. Agencies should foster an organizational culture that encourages employees

to continue their education, and should seek out ways to accommodate officers who are doing so.

Recommendation #6: Law enforcement should seek opportunities to civilianize police training and work in collaboration with local colleges and academic institutions. The *Patten Report* proposed utilizing universities for officer training that is not tactical in nature and also including non-police students in the classes when appropriate. Subjects that could be taught in this fashion might include constitutional update training, human rights, and cultural diversity. This proposed collaboration would not only promote community involvement and transparency in regard to police training, but might also benefit the agencies as a recruitment tool.

Recommendation #7: Both the *Patten Report* and the *President's Task Force Report* propose the establishment of a school for higher law enforcement education. The *President's Task Force Report* specifically recommends the DOJ establish a law enforcement postgraduate school modeled on the Naval Postgraduate School in Monterey, California. American law enforcement organizations and the DOJ should re-approach this recommendation and establish an academic postgraduate program or institution focused on developing tomorrow's law enforcement leaders. A model and framework for such a program exists at the Naval Postgraduate School with the Center for Homeland Defense and Security (CHDS) located on the campus. A program based on the CHDS model would not only educate law enforcement leaders, but also could be a center for research, a node for subject matter experts, and serve as a convener of the most current successful policing practices. The DOJ should consider Monterey, California, as the location for the program due to the proximity of several educational institutions including the Naval Postgraduate School, the Panetta Institute for Public Policy at California State University Monterey Bay (CSUMB), the Middlebury Institute of International Studies at Monterey, and the Defense Language Institute Foreign Language Center.

Recommendation #8: The *Patten Report* recognized that symbols of the British state and the union served to alienate Catholic community members and potential applicants from the police in Northern Ireland. As a result, the *Patten Report*

recommended significant changes to police symbols and emblems. American law enforcement should recognize the influence of such symbolism and should eliminate divisive symbols and iconography from police uniforms, vehicles, and emblems. Public police agencies should remain apolitical and should be cautious of projecting affiliations or positions by means of symbolic representations, and as a result, alienating segments of the community. Additionally, law enforcement should be cautious of the growing use and proliferation of unofficial law enforcement emblems in official settings and their potential cultural influence.

Recommendation #9: One of the most controversial recommendations proposed in the *Patten Report* and enacted in Northern Ireland was the name change from the RUC to the PSNI. The Patten Commission recognized the power of language in framing discourse and proposed this change as a means of influencing organizational culture. The City of Salinas is in the planning stages of building a new 49 million dollar police building to replace the current station with scheduled completion projected for 2019.[469] The original building plan included a marque on the front of the building reading, "Salinas Police Department." As a result of this thesis study, the Salinas Police Department and City leaders are considering a change to the language and name on the building based on the Police Service of Northern Ireland example, as seen in Figure 6.

[469] Amy Wu and Chelcey Adami, "Public Safety Center Projected to Open in 2019," *Californian*, April 20, 2017, http://www.thecalifornian.com/story/news/2017/04/19/salinas-public-safety-center-projected-open-2019/100655084/.

Figure 6. Artist Rendition of Planned Police Service of Salinas Building[470]

The Salinas Police Department should move forward with this planned name change as a means of placing the key value of the police department's mission in a position to influence the community and organizational culture. In the United States, the law enforcement profession is often referred to colloquially as the police "force," and agencies as "police departments." American law enforcement agencies should move away from language that may be interpreted negatively or suggests bureaucracy and consider incorporating language that reflects the very purpose of the profession: police service.

2. Conclusion

This thesis has focused on policing reforms in Northern Ireland following *The Independent Commission on Policing in Northern Ireland* and the *Patten Report*. The Patten Commission reforms in Northern Ireland are widely viewed as an example of thoughtful, comprehensive, and sustainable democratic police reform. Although

[470] Source: Felix Cortez, "Designs for New Salinas Police Station Revealed," KSBW, October 5, 2017, http://www.ksbw.com/article/designs-for-new-salinas-police-station-revealed/12783474.

substantial differences exist between these two nations, significant common ground is also found in the application of policing and police reform. The *Patten Report* provides a model for policy makers in the United States and in mid-sized American towns, such as Salinas, California.

The Troubles in Northern Ireland have long since ended and the police in Northern Ireland have transformed organizationally, operationally, and symbolically. As a child living in Northern Ireland during the Troubles, the author's family saw the police as "the other," as oppressors, and as an occupying force not to be trusted. His community and family only contacted the police out of necessity and it appeared the police felt the same way. The majority of their contact with the RUC was negative and resulted from aggressive policing actions, security checkpoints, and never as outreach or community policing. These contacts and the inevitable resulting searches left the family feeling dehumanized and as second-class citizens in their own country. The author grew up hearing stories of RUC mistreatment from friends, family, and neighbors, and their feelings of disenfranchisement became their own in what he now recognizes as vicarious experience. Social media was not available at that time to exacerbate the tension further, but he does remember as a young child the power and influence of seeing images of the Troubles on the nightly news. The family watched films of militarized police in riot gear and armored vehicles, which to him looked like soldiers and tanks firing rubber bullets at kids throwing rocks; within this framework, it was easy to believe stories of police mistreatment and brutality. How much more powerful and inciting would these images have been if shared instantly via social media as they were in Ferguson, Missouri in 2014? As a police officer in Salinas, California, the author has seen parents in challenged neighborhoods who do not trust the police, point at him, and tell their children to stay away, influenced perhaps by similar perceptions of American police and their own feelings of marginalization.

The *Patten Report* in conjunction with ongoing American policing initiatives such as the *President's Task Force Report* can provide a framework for American police reform with a focus on building trust and legitimacy. Implementing police reform is an important step in effecting change; however, successful reform will require a shift in

American policing culture. As illustrated in the *Patten Report*, change alone is not sufficient and requires training, accountability, and leadership.

In Northern Ireland, the RUC was resistant to change and the officers saw themselves and their policing efforts as legitimate despite a lack of community support.[471] During the Troubles, the RUC relied on a construction of reality supporting their own perception of their legitimacy, which contributed to their resistance to change. This construction was based on officers' sacrifices and courage, officers' assertions of public support from an unheard majority, and claims of accountability predicated on exoneration when faced with questionable actions.[472] American policing must overcome some of the same internal cultural obstacles if reform is to be successful.

Next year, 2018, will be the 20th anniversary of the Good Friday Peace Agreement in Northern Ireland and the mandate for the Patten Commission. Application of lessons learned from the PSNI and the *Patten Report* reforms will enhance American policing's ability to build trust in disaffected communities and deliver quality policing services in partnership with the community. As a child in Northern Ireland, the author was taught not to trust the police, and now as an American police officer born of the Troubles, he sees the need for change in American law enforcement to strengthen this nation's homeland security. Today, as he travels with his own seven-year-old son throughout the United States and Northern Ireland, he points and says the words he hopes every American family will one day say when they see the police: "Son, those people *are* your friends."

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[471] Mulcahy, "Policing History: The Official Discourse and Organizational Memory of the Royal Ulster Constabulary," 77–78.

[472] Ibid., 75.

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